

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

May 11, 2016

- BRIEFING:** 5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada
- CALL TO ORDER:** 6:00 P.M.
Council Chambers, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada
- WELCOME:** Acting Chairman Kenneth Kraft
- ROLL CALL:** Chairman Willard Ewing – Absent
Acting Chairman Kenneth Kraft – Present
Commissioner Laura Perkins – Present
Commissioner Nelson Stone - Present
Commissioner Felix Acevedo – Present via Telephone
Commissioner Randy Robison – Present
Commissioner Al Greer – Present
- STAFF PRESENT:** Marc Jordan, Acting Director
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:** Commissioner Al Greer
- .

PUBLIC FORUM

There was no public participation in the first public forum.

AGENDA

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF MAY 11, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Stone

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

MINUTES

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

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

NEW BUSINESS

3. **DA-03-16 (54350) PARK HIGHLANDS WEST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PH WEST HOLDINGS, INC., PROPERTY OWNER, FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PARK HIGHLANDS – WEST TO AMEND THE LAND USE PLAN FOR PARCEL 2.1 TO PUBLIC FACILITY. THE SPECIFIC PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GRAND TETON DRIVE AND AVIARY WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-18-510-001. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The amendment to the land use plan applied to Parcel No. 2.1. The land use would change from single-family residential to public/semi-public. This would allow the applicant and master developer to create a detention facility for storm water run-off to protect the community.

Staff recommended approval, and forwarded the item to City Council for final consideration.

Robert Gronauer, 1980 Festival Plaza Dr., Las Vegas, appeared on behalf of the master plan developer to answer questions.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

Acting Chairman Kraft re-opened the public hearing.

Alice Moore, 7233 Millerbird St., North Las Vegas, stated she understood the need for the detention basin and requested as the property is developed and other changes came forward to the Planning Commission, that the Commission encourage the developer to also work with the community adjacent to the proposed site. Ms. Moore would like to be informed and have the ability to participate in these matters.

Marisa Kagan, 7108 Manzanaras Dr., North Las Vegas, stated she wanted to gather information for Aliante Cares, a 501(c)(3) organization. They are inundated with email from homeowners asking for information on what is happening in their area. Ms. Kagan said if the developers would communicate and keep them apprised, they could pass the information along to the homeowners.

Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

4. **ZN-05-16 (54352) PARK HIGHLANDS WEST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PH WEST HOLDINGS, INC., PROPERTY**

OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF RZ-10-MPC, RESIDENTIAL DISTRICT (UP TO 10 DU/AC) - MASTER PLANNED COMMUNITY, TO PSP-MPC, PUBLIC/SEMI-PUBLIC DISTRICT - MASTER PLANNED COMMUNITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF GRAND TETON DRIVE AND AVIARY WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-18-510-001. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

Approval of this item would change the zoning on Parcel No. 2.1 from RZ-10-MPC-Residential District-Master Planned Community, to PSP-MPC, Public/Semi-Public District-Master Planned Community.

Mr. Eastman said this request is in compliance with the amended Development Agreement Land Use Plan, and is necessary, as was the previous item.

Staff recommended approval, and forwarded the item to City Council for final consideration.

Robert Gronauer, 1980 Festival Plaza Dr., Las Vegas, appeared on behalf of the master plan developer to answer questions.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

Acting Chairman Kraft re-opened the public hearing.

The comments below were brought forward from Item No. 3, DA-03-16, at the citizens' requests.

Alice Moore, 7233 Millerbird St., North Las Vegas, stated she understood the need for the detention basin and requested as the property is developed and other changes came forward to the Planning Commission, that they encourage the developer to work with the community adjacent to the proposed site. Ms. Moore would like to be informed and have the ability to participate in these matters.

Marisa Kagan, 7108 Manzanaras Dr., North Las Vegas, stated she wanted to gather information for Aliante Cares, a 501(c)(3) organization. They are inundated with email from homeowners asking for information on what is happening in their area. Ms. Kagan said if the developers would communicate and keep them apprised, they can pass the information along to the homeowners.

Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Greer

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

5. **ZN-06-16 (54491) CRAIG & WALNUT INDUSTRIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AML DEVELOPMENT 3, LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM ITS CURRENT DESIGNATION OF R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTIES ARE LOCATED EAST OF THE SOUTHEAST CORNER OF CRAIG ROAD AND WALNUT ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-601-005 AND 140-06-713-003. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The parcel is master planned for heavy industrial, and the proposed rezoning is in compliance with the master plan. The site is generally in compliance for industrial property. The land to the north and west is zoned industrial. Staff expressed concern regarding residential immediately adjacent to the south and the east. Adequate buffering for residential parcels is warranted.

Staff recommended the item be approved and forwarded to City Council for final consideration. Mr. Eastman stated future development site plans should take residences into account by preventing truck traffic on Walnut St. and leaving all heavy traffic on Craig Rd.

George Garcia, 1055 Whitney Ranch Dr., Suite 210, Henderson, agreed with staff's analysis. A neighborhood meeting was held. One of the issues addressed was to ensure there would be no truck traffic on Walnut St. All truck and trailer traffic would be on Craig Rd. A double row of landscaping would be added along the back to address buffering needs, and the building would be moved north 200 feet.

Acting Chairman Kraft opened the public hearing.

Christina Goray, 3831 Rolling Cloud Dr., Las Vegas, expressed concern over additional traffic on Walnut St. Ms. Goray stated there is a four minute light signal, and

there is extensive backed-up traffic. Additional traffic would be a burden on the area. Ms. Goray asked how many businesses would be on the property that would increase the number of vehicles and traffic. Ms. Goray asked if there would be an opening onto Walnut St. from this property.

Acting Chairman Kraft closed the public hearing.

Mr. Garcia stated by removing multi-family development, the traffic would be significantly reduced.

Commissioner Stone asked how many people attended the neighborhood meeting and Mr. Garcia responded approximately six people attended, who represented three or four households. Those who attended preferred industrial use over multi-family. One person commented they did not want to see anything other than multi-family uses.

Acting Chairman Kraft asked how the proposed use would not be considered spot zoning, given there is residential directly to the east and south of the parcel.

Mr. Eastman responded when the apartments were developed immediately to the east, and broke up the industrial development that was envisioned and planned for the neighborhood along Craig Rd. corridor, that could have been considered spot zoning. Mr. Eastman stated the Comprehensive Plan still supports the land use of industrial development on this corner.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Robison

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

- 6. UN-27-16 (54450) JACK IN THE BOX (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JBD'S III, ON BEHALF OF M.L.K. HOLDINGS LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-1, MASTER PLANNED COMMUNITY/NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALIANTE PARKWAY AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-20-414-009. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised the proposed site originally envisioned a convenience food store at this same location. The original site plan that was presented by the master developer had a fast food establishment located at this corner. The proposed site, in general, is in compliance with the Aliante design standards. They do not have adequate landscaping buffers adjacent to Aliante Parkway, and will need to move their facility back to comply with the commercial design standards. There is adequate space for them to do this, and can be addressed administratively.

The building is generally in compliance with the commercial design standards. The façade and colors will need to be addressed during the building permit process.

Staff recommended approval.

The conditions are:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The site plan and building elevations shall be amended to comply with the Aliante Design Guidelines and Development Standards, including but not limited to providing 20 feet of landscaping adjacent to Aliante Parkway; providing six feet of foundation landscaping along the entry façade of every commercial building.
3. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
4. All scuppers and downspouts shall be incorporated into the buildings, and shall not be exposed to the neighboring properties.

Public Works:

5. All known geologic hazards, shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. Approval of a traffic impact study is required prior to submittal of the civil improvement plans.

John Baker, DSJB, 3636 Birch St., Newport Beach, CA, appeared to answer questions and stated staff conditions were acceptable.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, spoke in support of this item. Mr. Alpert said the site was originally designed for a fast food establishment. The four corners at Centennial and Aliante Parkway are still underdeveloped and have vacancies.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, displayed pictures of landscaping which reflected the difference between what was proposed and what currently exists. Many trees were supposed to be replanted and were not. Palm trees that were the gateway to Aliante are gone and were never replanted.

Ms. Kagan stated a fast food establishment with a drive-through; i.e. Carl's Jr. is different from a restaurant where you drive up and sit down; i.e. Subway. It has a different impact to those who live behind the wall.

Alice Moore, 7233 Millerbird, North Las Vegas, has been on the board for Aliante for a number of years. This item came up at their last board meeting. Some residents were irate and asked what would be done about this issue. She is attending tonight's meeting as a resident and not in an official capacity as a board member.

Ms. Moore stated Ms. Kagan made valid points. In addition, she requested the Planning Commission be very stringent regarding buffer zones.

Jay Buyco, 3633 Kingfishers Catch, North Las Vegas, spoke in support of this item and conveyed the positive things about building a Jack In The Box. Mr. Buyco works for Trinity Restaurants, which is the franchise that belongs to the store. Mr. Buyco stated they bring a lot to the community and have raised \$15,000 for muscular dystrophy for Nevada children. They have worked with Big Brothers Big Sisters on various projects. He has received support from various social media resources.

James Crossley, 3016 Old Yankee Ave., North Las Vegas, spoke in opposition to this item. He lives across the street from the proposed site. He said there were two strip malls on Simmons St., and there were a lot of open areas. Fresh & Easy left approximately one year ago and there is an empty building. Mr. Crossley expressed concern regarding the increased traffic by Walgreens and U S Bank.

Derita Knox, 6408 Grayback Dr., North Las Vegas, stated the proposed site backed up to her backyard (Grayback Dr. and Guillemot Ave.) and she was concerned. Ms. Knox state she and her husband knocked on their neighbors' doors last week and said no one was in favor of this item. She was concerned about the restaurant's garbage attracting rodents and bugs. Mrs. Knox was concerned about lights, children coming over the wall, and more people. She was concerned about the decrease in property values. Mrs. Knox said they could move to another location; i.e., the Fresh & Easy building. Mrs. Knox stated they would fight this issue as hard as they could.

Eva Adams-Hammad, 2917 Guillemot Ave., North Las Vegas, stated when they purchased their property in 2003, they were told the strip mall would include stores such as Walgreens and clothing stores. They were never told there would be fast food restaurants; had they been told, they would have never purchased the property at that location.

Ms. Hammad stated there was not enough yardage between the proposed location and where her home is located. Her home faces U S Bank. At that corner there have been numerous accidents, including fatalities. This site would be unsafe for pedestrians -- young children, students and bicyclists.

Ms. Hammad was concerned about rats, bugs, the lights distracting their sleep, increased traffic, and noise. She was concerned about decreased property values. Ms. Hammad stated Jack In The Box should move to another location. They also did not want any more big buildings obstructing their view.

Justin Kagan, 7108 Manzanares Dr., North Las Vegas, spoke in opposition to this item. He was concerned about the special use permit to allow a drive-through. A similar issue was discussed previously regarding a Carl's Jr. restaurant. Within a matter of days of the Carl's Jr. opening there were car accidents at the drive-through. Mr. Kagan recommended the Commission review the data.

Mr. Baker stated they could offer to mitigate some of the concerns; i.e. landscaping. This center maintains a mature landscape design and installation and this will not change. He stated the master plan dating back to the early 2000's anticipated this type of business. They own and operate several Jack In The Box restaurants in the area. They were excited to be there and would do whatever is needed for compliance.

Commissioner Robison asked why the special use permit is required and why this particular location is zoned for a fast food restaurant.

Mr. Eastman stated when the original Aliante Development Agreement was approved, they froze the existing zoning code (2001). At that time, all convenience fast food restaurants required a special use permit. Under current code, this parcel would not

require a special use permit, as long as they met the design development standards, they would have been allowed to build.

Mr. Eastman said this site was always a commercial parcel within the Aliante Master Planned Community. The land use plans show a proposed bank, pharmacy, fast food restaurant and strip commercial building (located in the northwest corner). A fast food restaurant was always contemplated in the plans. The master developer still owns this parcel and have been developing it per the plan in 2003.

Mr. Eastman discussed the landscaping requirements for the proposed Jack In The Box. There are existing linear trails along Aliante Parkway. They will need to comply with the commercial design standards, which require the additional 20 feet of landscaping along their frontage. They will need to move their building and drive-through back in order to meet the commercial design standards for Aliante. This will be desert landscaping, similar to what exists in the Smith's shopping center.

Commissioner Robison addressed the 24/7 restaurant and asked if this decision was based on economics or the location. Mr. Baker stated all the stores in Las Vegas are 24/7 and is a big part of the concept.

Acting Chairman Kraft asked staff to provide an overview of **permitted use** (any use allowed in specific zoning district), **conditional use** (in the code there are certain conditions or parameters that the applicant is required to meet; i.e. Fast Food Restaurant within a normal C-1 District: setbacks, landscaping, architectural standards. Additional standards unique to fast food; i.e. adequate vehicle stacking space in drive-through lane to prevent traffic congestion or problems in the parking lot or spilling over into city streets). A **special use** is a use that because of some factor (noise, traffic, density) requires a use that would come before the Planning Commission to have a public meeting and be vetted or approved by the Commission.

Mr. Eastman said when Aliante came in (2001), the City did not have conditional use permits, only permitted and special use. At that time, any use that had a drive-through (banks, fast food) were all within special use categories.

Pertaining to Aliante, signage is not permitted to be located within the parking lot, facing homes. All signage for the proposed Jack In The Box must be pointed toward Aliante or Centennial Parkway.

ACTION: APPROVED

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

7. **UN-28-16 (54489) APEX ORGANIC CULTIVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY APEX ORGANICS, INC., ON BEHALF OF HARRY AYVAZIAN, 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 13325 APEX CROSSING LANE. THE ASSESSOR'S PARCEL NUMBER IS 103-13-010-026 (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman.

Item Nos. 7 (UN-28-16) and 8 (UN-29-16) were briefed together, and voted upon separately.

Mr. Eastman stated, in general, the site is in compliance with the Apex Development Standards and Design guidelines.

The applicant had an approval with the original use permit. Changes with the state law require a public hearing and they have come forward to request a special use permit to have a public hearing to receive their state licensing.

Staff recommended approval of both use permits.

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. That a single entrance shall be provided for the cultivation facility apart from the proposed production of edible marijuana products or marijuana-infused products facility, 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.

3. The floor plan shall be revised to remove all interconnecting doors throughout the building in order to provide a separation from the cultivation facility to the production of edible marijuana products or marijuana-infused products facility, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.

Lucy Stewart, 1930 Village Center Circle, Las Vegas, represented the applicant. Ms. Stewart stated this item was approved by a conditional use permit about a quarter of a mile further west. Many applicants in Apex have dropped out due to development costs being higher than originally anticipated, and NV Energy has not yet built their substation. The developer asked the applicant to move closer to the Love's Truck Stop so the developing uses would be clustered in an area. They were approved through a conditional use permit, but the applicant waited to file their relocation with the state and were not aware the new law would go into effect requiring a public hearing.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

8. **UN-29-16 (54490) APEX ORGANICS PRODUCTION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY APEX ORGANICS, INC., ON BEHALF OF HARRY AYVAZIAN, 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 13325 APEX CROSSING LANE. THE ASSESSOR'S PARCEL NUMBER IS 103-13-010-026. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

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. That a single entrance shall be provided for the production facility apart from the proposed cultivation facility, 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.
3. The floor plan shall be revised to remove all interconnecting doors throughout the building in order to provide a separation from the production facility to the cultivation facility, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.

Lucy Stewart, 1930 Village Center Circle, Las Vegas, represented the applicant. Ms. Stewart stated this item was approved by a conditional use permit about a quarter of a mile further west. Many applicants in Apex have dropped out due to development costs being higher than originally anticipated, and NV Energy has not yet built their substation. The developer asked the applicant to move closer to the Love's Truck Stop so the developing uses would be clustered in an area. They were approved through a conditional use permit, but the applicant waited to file their relocation with the state and were not aware the new law would go into effect requiring a public hearing October 1.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

Acting Chairman Kraft acknowledged Councilman Cherchio in attendance.

9. **T-1382 (54488) VEGAS TRADE VILLAGE. AN APPLICATION SUBMITTED BY DWAIN ANDERSON, ON BEHALF OF MENG-WEI TSAI, PROPERTY**

OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A TWO-LOT INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CHEYENNE AVENUE AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-01-801-001. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Acting Director.

Mr. Jordan advised this is a two-lot commercial subdivision map; one lot is approximately 6 acres that front Cheyenne Ave., and the larger lot is approximately 30 acres in size, located directly behind the smaller lot.

In October, 2015, City Council approved the Development Agreement for the site. This allows commercial development along the frontage of Cheyenne Ave. and allows a showroom warehouse and some accessory dwelling units, and a hotel on the larger portion of the second parcel.

The proposed tentative map is in compliance with the Development Agreement. Staff originally recommended the item be continued to allow the applicant to revise the limits of a flood zone. Since that time, the applicant submitted a revised map to staff, and staff now recommends approval subject to conditions listed in the revised memorandum that was distributed earlier.

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.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and James Liu and Meng-Chun Tsai and Meng-Wei Tsai for the Huanghai Project dated October 21, 2015, (Ordinance 2731), or as amended.

Public Works:

3. Civil improvement plans must be approved prior to recording the final map. The civil improvement plans shall provide for:
 - a. All on-site and off-site drainage / flood control improvements as required by the approved drainage study for the project.

- b. All off-site street improvements, including utilities, as required per the Development Agreement.

Dave Turner, Baughman & Turner Engineering, 1210 Hinson St., Las Vegas, represented the applicant and concurred with staff recommendations.

ACTION: APPROVED

MOTION: Commissioner Stone

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

10. **VAC-04-16 (54479) VEGAS TRADE VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DWAIN ANDERSON, ON BEHALF OF MENG-WEI TSAI, PROPERTY OWNER, TO VACATE COLTON AVENUE BETWEEN COMMERCE STREET AND GOLDFIELD STREET AND TO VACATE A PORTION OF GOLDFIELD STREET BETWEEN CHEYENNE AVENUE AND COLTON AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-10-801-001. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The proposed request is in compliance with the Development Agreement. Staff had no objections and recommended approval.

The condition is:

Public Works:

1. The vacation shall record concurrently with the associated map.

Dave Turner, Baughman & Turner Engineering, 1210 Hinson St., Las Vegas, appeared on behalf of the applicant, and agreed with staff recommendations.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Stone

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

11. **UN-26-16 (54383) ROYAL FOOT SPA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SOPHIA RAEVOURI, ON BEHALF OF THANH LEWIS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW A MASSAGE ESTABLISHMENT. THE PROPERTY IS LOCATED AT 2696 WEST ANN ROAD, SUITE 108. THE ASSESSOR'S PARCEL NUMBER IS 124-29-811-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The applicant currently provides reflexology services and would like to add massage therapy to accommodate their clients' needs and physical well-being. They have received a license for massage therapy from the Nevada State Board of Massage Therapy. Once they obtain a business license they may bring in additional massage therapists.

Staff had no objections and recommended approval.

No applicant was present at this meeting. Acting Chairman Kraft confirmed with Mr. Jordan the applicant was notified of the meeting.

Acting Chairman Kraft opened the public hearing.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, was impressed by letter the applicant wrote about her business, why she wanted to expand, and the awareness of the image of massage businesses. He wanted to know if the applicant would maintain the establishment as shown in the pictures or if additional construction would be needed to create private areas for massage.

Acting Chairman Kraft closed the public hearing.

Commissioner Stone conveyed that these types of applications are not received often and this is a special use permit. He wanted to meet the applicant, and recommended the item be held 30 days.

ACTION: CONTINUED TO JUNE 8, 2016

MOTION: Commissioner Stone

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Robison and Greer

NAYS: Commissioner Acevedo

ABSTAIN: None

ABSENT: Chairman Ewing

12. VN-02-16 (54384) K & G ENTERPRISES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KEVIN BOYD, ON BEHALF OF ALEXANDER & BELMONT LLC, PROPERTY OWNER, FOR A VARIANCE IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A 20-FOOT BUILDING SETBACK WHERE 35 FEET IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CHEYENNE AVENUE AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-08-803-017. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Acting Director.

Mr. Jordan advised because of the height of the building the applicant is proposing, a 35-foot setback is required. When buildings are less than 25 feet only a 20-foot setback is required from the rights-of-way.

The applicant indicated the proposed two-story building would be approximately 22,000 square feet in size. The property is a backward "L-Shape." The applicant is proposing a storage yard on the section of property that has more depth to it. That storage yard is surrounded by three other storage yards. The property is also zoned M-2.

Mr. Jordan stated staff believes the applicant is trying to maximize and utilize the property to its best intent by locating the building at that particular spot, by pushing the storage yard away from the street frontage.

The applicant is also proposing an office design to the building that would be visible from the three street frontages.

The property is 1.62 acres in size, and is narrow in depth in certain parts that either lend itself to a storage yard, a building smaller in size, or need a variance, as in this

particular case. The reduction in setback would allow the storage yard to be located away from the street frontages.

In the Staff Report, staff recommended the item be denied. Public Works had concerns regarding the proposed location of the building. Currently, there is a 25-foot wide public utility easement that contains both water and sewer lines that run along the frontage of Cheyenne Ave.

Mr. Jordan said if the applicant can move their building to meet the 25-foot setback from Cheyenne Ave., and staff would be supportive. The variance would be to allow a 25-foot setback where 35-feet is required next to Cheyenne Ave. Staff approved the 20-foot setback from Coleman St.

Mr. Jordan spoke with the applicant today and they verbally indicated to Mr. Jordan they were supportive of conditions. Therefore, staff changed their recommendation from denial to approval.

Staff amended Condition No. 2 as indicated below and deleted Condition No. 3, as it no longer applied.

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 building must maintain a minimum 25-foot setback adjacent to the property line next to Cheyenne Avenue and a 20-foot setback adjacent to the property line next to Coleman Street.

Randy Sparks, 2234 Pommel Ave., Las Vegas, represented Kevin Boyd, Alexander & Belmont, LLC, and appeared with Dave McKee (architect). Mr. Sparks concurred with staff recommendations.

Acting Chairman Kraft opened the public hearing.

Faye Knight, 3319 Coleman St., North Las Vegas, spoke in opposition to this item, and has lived at this address since 1972. Ms. Knight stated she did not want any large buildings on Cheyenne Ave. and Coleman St. Ms. Knight expressed concern over the increased traffic.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, stated he lives five blocks north of the proposed site. Mr. Alpert referred to a memorandum in the Staff Report pertaining to property that is close to the North Las Vegas airport must have approval and meet guidelines of the Clark County Department of Aviation. They objected to an incline angle and Mr. Alpert wondered why staff did not address this issue.

Mr. Sparks responded to Mr. Alpert's comment and stated there were buildings taller than the proposed site that were also closer to the airport.

There are buildings behind the proposed site that are farther back into the residential area and they are located on the frontage of Cheyenne Ave. Mr. Sparks stated the building design would look nice with columns, cornices and storefront glass.

Commissioner Robison confirmed with Mr. Jordan with the setback, there is room for the easement. Mr. Jordan stated if the Commission were to approve a 20-foot setback, the applicant cannot build over the easement. Some of the lines are on the edge of the 25-foot easement. Staff had to craft a condition that said the applicant has to vacate the easement and work with adjacent property owners to relocate the lines. By moving it back, the city feels comfortable with the 25-foot setback. The easement can remain in place and the lines do not have to be attached and would not impact anyone.

Acting Chairman Kraft confirmed all entry and exit would be off Cheyenne Ave. Mr. Sparks reviewed the site map and stated the main approach would be off Cheyenne Ave. He added under a separate application, they would be asking for an "exit only" off Coleman St. This matter is currently being reviewed and has not yet been brought forward.

Acting Chairman Kraft confirmed with Mr. Jordan that what was before the Commission is the variance of the setback requirements.

Mr. Jordan stated over a year ago staff brought a Resolution before the Planning Commission that allowed staff to perform the review on site plans for industrial developments. The reviews are broken up into two groups -- minor (less than 80,000 square feet) and major (80,000 square feet or more).

This development would fall into the minor category and would have been reviewed and approved administratively by staff.

Driveway locations are addressed in Title 17. There is flexibility in the standards and falls under the purview of the Director of Public Works, and becomes an administrative process.

Commissioner Robison referred to the public utility easement change from 20-feet to 25-feet and asked if the change would be a condition of approval. Mr. Jordan responded yes, and was included in the amendment to Condition No. 2

ACTION: APPROVED AS AMENDED; CONDITION NO. 2 AMENDED AND
CONDITION NO. 3 DELETED

2. The building must maintain a minimum 25-foot setback adjacent to the property line next to Cheyenne Avenue and a 20-foot setback adjacent to the property line next to Coleman Street.

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

13. ZOA-03-16 (54436) CITY OF NORTH LAS VEGAS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), BY AMENDING SECTION 17.16.050, TABLE 17.16-3 AND TABLE 17.16-4 AND SECTION 17.20.020.C.29 TO REQUIRE A SPECIAL USE PERMIT FOR MEDICAL MARIJUANA ESTABLISHMENTS WITHIN THE APEX OVERLAY DISTRICT, AND PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Acting Director.

Currently, the city only requires a conditional use permit within the area; however, SB 276 amended NRS 453, to reflect any establishment that proposes relocation within the city must show that the location was approved as part of a public hearing. Conditional use permits are addressed administratively, and do not require a public hearing. Staff proposed to amend the zoning ordinance to remove conditional use processes for medical marijuana establishments, and require a special use permit for all medical marijuana establishments. They would be treated in the Apex Overlay District in the same manner as any other industrial area within the city.

Staff is also removing a requirement that requires an applicant to also apply for a business license at the time they file a special use permit. No other special use applicant who comes before the Planning Commission is required to file a business license application.

Mr. Jordan advised an additional amendment was needed to address exceeding the 60-foot height requirement for structures within the Apex Overly District, upon approval from the FAA and review by Nellis Air Force Base.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Commissioner Perkins

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

OLD BUSINESS

14. **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) (CONTINUED APRIL 13, 2016)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised this is an amendment to the Development Agreement for the Villages at Tule Springs to add Development Standards that provide the regulation framework for the development of the master planned community.

Listed below are the amendments to the Development Agreement:

1. **Page 7: Trail(s):** means the linear areas not adjacent to a street that may follow natural features such as washes, ridge lines, flood control facilities and utility rights of way. Trails consists of, but are not limited to, asphalt walkways, landscaping on both sides of the walkway and trail amenities such as signage, benches, recreational nodes, drinking fountains, dog stations and trash receptacles, all as specified and detailed in the Parks and Trails Agreement and herein

2. **Page 7: Tule Springs National Monument:** means the Tule Springs Fossil Beds National Monument as shown on the February 1, 2016 Land Use Plan as designated by Public Law 112-272.
3. **Page 36: Sidewalks / Pathways & Sidewalks / Medians (Arterials)**
One (1) tree every twenty-four (24) feet on center
4. **Page 37: Sidewalks / Pathways & Sidewalks / Medians (Collectors)**
An average of one (1) tree every twenty-four (24) feet on center for every two hundred (200) linear feet.
5. **Page 37: Sidewalks / Pathways**
In areas that have less than a 25' wide landscape section, no encroachment into such area shall be allowed for flared intersections. In areas where additional right turn lanes are required that may encroach into pathway areas, pathway areas may be reduced to twenty (20) feet in width.
6. **Page 38: Local Streets**
One (1) tree every thirty (30) feet on center
7. **Page 41: Traffic Calming**

Traffic Calming is a holistic, integrated traffic planning approach. It is a combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users. In order to discourage high traffic speeds within subdivisions, local residential streets shall implement traffic calming measures for straight segments of five hundred (500) feet or longer. Traffic calming measures shall be approved by the City Traffic Engineer. Some examples are as follows:

 - Changes in Roadway Surface in conjunction with additional items listed below;
 - Neck-downs, Chicanes, and Chokers; and
 - Traffic Circles and Round-a-bouts.
8. **Page 41 & 42: Arterials**

Pathways along arterials are a minimum of twenty-five (25) feet in width (except North 5th Street) and have an eight (8) or ten (10) foot wide sidewalk on each side. North Fifth Street is a 150-foot right of way and contains a 10 foot sidewalk and 10 foot landscaped buffer within the r-o-w, in addition 10 feet of landscaping will be provided within the pathway. Please see exhibit "J" and CNLV Standard Drawings for North Fifth Street. Losee Road, N. 5th Street, Elkhorn Road, Grand

Teton, Tule Springs Parkway and Revere Street (north of Highway 215) are the additional arterials located within VTS.

9. Page 43: Trail Node

For Recreation Nodes not located within the Active Adult Community, at least one of the following amenities:

- Tot lot structure located on an EPDM rubberized surface surrounded by a sand surface; or
- Play equipment located on an EPDM rubberized surface surrounded by a sand surface.

For Recreation Nodes located within the Active Adult Community age appropriate exercise equipment shall be provided.

10. Page 54: Street Lights

One non-standard decorative street light may be used within the VTS upon review and approval of the master developer and the City of North Las Vegas. Non-standard street lights must meet all applicable standards as set forth in sections 16.20.100 and must be compatible within the Community. If a non-standard street light is utilized, then the developer shall provide the City a supply of each such light equal to seven (7) percent of the total number of each light used within VTS for future repair or replacement.

11. Exhibit H

Revise Exhibit H to add Theme Walls where required.

12. Exhibit J

Revise Exhibit J to reflect street cross sections as approved within the Master Traffic Study, Tentative Maps, and as outlined within the analysis section.

13. Exhibit L: Monumentation Concept – Primary and Secondary

Replace the text regarding the wall construction with the following: Exposed finish shall be constructed of stone, painted stucco, or other decorative material that has the appearance of painted stucco or stone. Secondary monumentation must use the same finish as the primary monument.

14. Exhibit L: Monumentation Concept - Secondary

Reduce height of secondary monuments to 25 feet

15. Exhibit N: Typical Neighborhood Entry Design – Two pages

Revise Exhibit N to provide the details discussed within the analysis section.

16. Exhibit O: Community Theme Wall Concepts

Add "View Fence" and "Partial View Fence" designs to exhibit.

17. Exhibit P: Parks, Open Space, & Trails Master Plan

Remove the trail from the drainage channel

18. Exhibit Q, R, S, T, & U: Additional needed exhibits

Create additional exhibits or adopt exhibits from existing master plan communities, such as Aliante or Park Highlands on a temporary basis. As the existing exhibits will need modifications to fully depict the design of the Villages at Tule Springs, a minor modification will be needed to replace the exhibits with the "final" versions.

Robert Gronauer, 1980 Festival Plaza Dr., Las Vegas, appeared on behalf of the master plan developer to answer questions. Mr. Gronauer thanked staff, and specifically Robert Eastman for his assistance and the time he devoted to this project. This document replaces the existing development standards that are in the current Development Agreement. This is a necessary first step toward moving forward in the development of the property.

Acting Chairman Kraft opened the public hearing. Acting Chairman Kraft closed the public hearing.

Acting Chairman Kraft thanked Robert Eastman, Chief Deputy City Attorney Rudd Sanchez, various department staff members, and Robert Gronauer for the time they have devoted to this project.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Commissioner Robison

AYES: Acting Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Chairman Ewing

PUBLIC FORUM

Margaret Coleman, 3630 Coleman, North Las Vegas, stated she appeared before the committee during the 1990's concerning money that was given to them by Judge Gerber of Washington, DC, in the amount of \$1.5 million to [unidentified] Tarkanian, the committee, and Robert Anderson. Ms. Coleman stated this was regarding property being developed named either "Mud UnderThe River", or "River Under The Mud." This

is a community located at Carey Ave., Losee Rd. and Englestad St. Ms. Coleman stated she went into the community and [they] tore the walls out and took all the copper. She did not know if they were waiting on her to develop it and clean it up. She was fighting with the Board of Commission to give her \$2.1 million that Judge Gerber gave to [unidentified] Weekly. Judge Gerber gave them \$1.5 million to develop the project, and she was unsure if this was in her name or not. Ms. Coleman wanted to get involved in helping the community. Ms. Coleman stated she was a homeless victim and was placed into a position of not being a representative of the state. Acting Chairman Kraft recommended she contact Clark County concerning this matter.

Damian Williams, 8133 Jim Steele Falls St., North Las Vegas, asked about Park Highlands West and the area being made into a public facility. He is concerned about reduced property values. Mr. Williams requested additional information about how it would look.

Marisa Kagan, 7108 Manzaneres Dr., North Las Vegas, stated there were a lot of complaints. They were promised by the developer to have a certain amount of landscaping and trees. This document was negotiated with Jay Dapper, Bob Gronauer, Marisa Kagan, and others from Aliante Cares -- Amelio and Steve. Mayor Lee was also present.

Originally, the letter was to be signed by all parties. City Attorney Sandra Morgan advised Mayor Lee not to sign the document, as he did not need to be a party to the agreement.

Ms. Kagan signed the agreement with Jay Dapper. Mr. Dapper has upheld most of the items reflected in the document, but she stated she was concerned [about the landscaping and trees]. Jay Dapper has since sold the property. As part of the agreement, he was to donate some money to help Nature Discovery Park. They are a 501(c)(3) mainly because they wanted to adopt parks and help educate the community regarding commercial development.

Ms. Kagan was unsure as to where they would go to make sure the trees and foliage are planted. Ms. Kagan said she was told by Bob [Gronauer] that she should ask the Planning Commission to go to the location and cite them. They did not file an appeal because they were trying to work with the developer.

Ms. Kagan stated Jack In The Box was a disappointment. She would have liked the item continued for a month as it impacts a lot of people. Ms. Kagan is the Vice President of the Aliante Master Association Board. Ms. Kagan asked for staff's input on landscaping and whether the Jack In The Box owner could contribute something toward having more trees to block the view and sound between the Jack In The Box and their homes.

Reverend Barbara Jenkins, 7056 Pale Topaz Ln., Las Vegas, discussed the Jack In The Box issue and stated Mr. Gronauer made significant promises on behalf of Mr. Dapper and has not been held accountable and now the property has been sold.

Reverend Jenkins stated they were displeased with the construction of Carl's Jr. and Capriotti's. The widening of the street was never accomplished and now they have three tenants in 2590 and two tenants in 2550. All create more traffic. The blinking yellow light was replaced and the median line in Aliante Parkway has foliage that creates a blind curve, and there have been serious accidents in the left turn lane. Reverend Jenkins stated the green light should be restored.

Reverend Jenkins stated when the Planning Commission sets forth stipulations, the owners must be held accountable when they do not follow through. Human life is at stake. The park is full during the afternoon with children playing. There is not sufficient parking. The access that goes to three complexes needs to be widened. If Mr. Dapper offered his land to do this, he should be held accountable for following through on his promises.

Alice Moore, 7233 Millerbird St., North Las Vegas, spoke regarding the Development Agreement. Tule Springs/Park Highlands are coming forward. They expected the open slots to be filled. She referred to the Aliante Master Agreement and stated the developer froze the agreement back to 2001 standards that said if anything needs a special use permit, it must come before the Planning Commission. Ms. Moore stated the Planning Commission needed to be more "choiceful" in the decisions that affected the community.

Ms. Moore was concerned about turning over a peaceful residential North Las Vegas community into another commercial corridor. She bought there specifically for the quiet solitude, the environment of the residential streets and vistas.

Ms. Moore echoed Ms. Kagan and Reverend Jenkins' comments regarding holding people accountable.

Johnnie Knox, 6408 Grayback Dr., North Las Vegas, was disturbed that UN-27-16 was approved so easily because of the complaints. He would like to keep the neighborhood quiet. Walgreen's closes at 10:00 p.m. and this was a stipulation for them when they moved in. He was opposed to the lights being on 24 hours per day, and said they would be right behind his home. He was concerned the property values would decline. Mr. Knox stated their complaint should not be ignored.

Faye Knight, 3319 Coleman St., North Las Vegas, asked if final action of this item was with Planning Commission. Mr. Eastman confirmed it was. Ms. Knight asked about entering and exiting the property. Ms. Knight wanted to know how many cards

were received opposing this item. Staff would research and provide her with information after the meeting.

DIRECTOR'S BUSINESS

Acting Director Jordan advised the annual voting process for the officers of Chairman and Vice-Chairman would take place July 14, 2016.

CHAIRMAN'S BUSINESS

Acting Chairman Kraft had no business to report.

Commissioner Stone stated the North Las Vegas Planning Commission is a regulatory body that addresses land uses. Commissioner Stone asked if the Planning Commission set hours of operation on any land use approvals. Chief Deputy City Attorney Sanchez responded they did not.

Commissioner Stone asked staff to confirm the Planning Commission did not approve landscape plans, but approved projects that are in conformance with established landscape guidelines which were approved by staff. Mr. Jordan confirmed his statement was correct.

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

APPROVED: June 8, 2016

/s/ Kenneth Kraft
Kenneth Kraft, Acting Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary