

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

September 14, 2016

**BRIEFING:**

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

**CALL TO ORDER:**

6:06 P.M.  
Council Chambers, 2250 Las Vegas Boulevard, North  
North Las Vegas, Nevada

**WELCOME:**

Chairman Kenneth Kraft

**ROLL CALL:**

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

**STAFF PRESENT:**

Marc Jordan, Acting Director  
Robert Eastman, Principal Planner  
Jose Valenzuela, Deputy City Attorney  
Robert McLaughlin, Public Works/Manager  
Duane McNelly, Major Proj. Coordinator/Public Works  
Curt Kroeker, Public Works/Engineering Associate  
Diana Tsouras, Executive/Recording Secretary

**VERIFICATION:**

Diana Tsouras, Recording Secretary

**PLEDGE OF ALLEGIANCE:**

Commissioner Willard Ewing

**PUBLIC FORUM**

There was no public participation.

**AGENDA**

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF SEPTEMBER 14, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED AS AMENDED; ITEM NO. 9, (T-1385) CRAIG & CAMINO AL NORTE, CONTINUED TO OCTOBER 12, 2016

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: None

**CONSENT AGENDA**

*Matters listed on the Consent Agenda are considered routine and may be approved by a single motion. However, any Consent Item may be moved to the Business portion of the agenda for discussion at the request of any Planning Commission Member.*

2. **APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 10, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

ABSENT: None

**NEW BUSINESS**

3. **UN-54-16 (55594) LEGACY TRADITIONAL SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LEGACY TRADITIONAL SCHOOL, ON BEHALF OF LA MADRE VALLEY, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT, TO ALLOW A PRIMARY AND SECONDARY SCHOOL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WEST LA MADRE WAY AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-31-701-014, 124-31-701-015, 124-31-701-018 AND 124-31-701-019. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to develop a charter primary school on an approximately 8-acre site. The proposed school is approximately 81,000 square feet in size. A large parking lot, playground and queuing system are reflected in the site plan. The queuing system will assist parents picking-up and dropping off children, and will also prevent additional congestion the school may cause in the adjacent public rights-of-way. Perimeter landscaping is in compliance with design standards and the building is in compliance with commercial design standards.

Mr. Eastman stated the use appears to be appropriate with the neighborhood. Clark County School District has two elementary schools to the east and northeast of the proposed site.

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

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. A five foot wide landscaped buffer, containing 24-inch boxes trees planted 25 feet on center shall be provided along the east property line.

**Public Works:**

3. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standard Drawing* number 222.1, including throat depths. Conformance will require modifications to the site plan.

4. 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.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Approval of a traffic study and a queuing analysis is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope. If queuing onto public streets or any other public safety hazards are observed, the school shall be required to employ all means necessary to remedy the situation at the sole cost of the property owner. Mitigation measures shall be to the satisfaction of the Director of Public Works or designee, and shall be completed within a time frame determined by the City.
7. 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. La Madre Way
  - b. Valley Drive
  - c. Rosada Way (to include the enclosing of the existing drainage channel & completion of the terminating cul-de-sac at the east end of Rosada Way.)
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Valley Drive.
10. Appropriate parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
11. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
12. 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.

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

**Jennifer Lazovich, Kaempfer Crowell, 1980 Festival Plaza Drive, Las Vegas,** appeared on behalf of Legacy Traditional School.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Robison

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

NAYS: None

ABSTAIN: None

ABSENT: None

4. **UN-60-16 (55642) MME CULTIVATION AT SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLARK NATURAL MEDICINAL SOLUTIONS, LLC DBA NUVEDA, ON BEHALF OF CHEYSIM, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT, TO ALLOW A CULTIVATION FACILITY FOR MEDICAL MARIJUANA. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BROOKS AVENUE AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-17-601-004. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Item Nos. 4 (UN-60-16) and 5 (UN-59-16) are related and briefed together, and voted upon separately.

Item No. 4, UN-60-16, is an application for a medical marijuana establishment for a cultivation facility, and Item No. 5, UN-59-16, is an application for a medical marijuana establishment for the production of edible marijuana products.

The proposed site is located on the southeast corner of Simmons Street and Brooks Avenue on an approximately 12-acre site. The site is currently undeveloped and within the M-1 Industrial District.

The proposal for the building is slightly less than 35,000 square feet and contains mostly greenhouses for the cultivation facility. There is an additional, approximately 7,500 square feet that would be used for offices for the facility and production. The site

contains 57 parking spaces, which is in compliance with the parking standards. The requirements are 43 parking spaces for the site. The building elevations indicate they are using traditional greenhouse style buildings; the rooftop is a pitched glass roof, and solid opaque walls. The state requirement is that from the street you should not be able to look in and see the marijuana plants growing. A fully traditional greenhouse building would not be permitted; however, the pitched roof and sightlines are acceptable. The submitted elevations do not show full compliance with the industrial design standards because there is not enough detail. Mr. Eastman stated the applicant assured him during a follow-up conversation they would comply with the industrial design standards, which will be required during the building permit process.

The site is appropriate to the parcel and is functionally indoor manufacturing and production for medical marijuana and would not create a negative impact on the neighborhood.

Staff recommended approval of UN-60-16 and UN-59-16, with amendments to the conditions. Staff requested Condition Nos. 2 and 3 be deleted. Staff requested an additional condition that requires the applicant incorporate exterior to interior noise level reduction into the building construction, as required by code. They are within the noise contour/overlay for the nearby airport and will need to add additional sound attenuation for their buildings.

**Joseph Kennedy, 11115 Kilkerran Court, Las Vegas, and Dr. Batty, 2700 S. Las Vegas Boulevard, Las Vegas,** appeared to answer questions.

Chairman Kraft opened the public hearing for Item No. 4, UN-60-16.

**Dr. Vicent Richardson, 4911 Via Luis Court, North Las Vegas,** spoke in opposition to this item. Dr. Richardson referenced a recent *Denver Post* article regarding marijuana businesses and how they target lower income, minority neighborhoods, and stated marijuana is a gateway drug. Dr. Richardson stated even though they are not distributing, this is not the image the community was trying to present. There is an elementary school, park, residential area, gymnastics facility for children and also churches not far from the proposed site. In 2016 (inaudible) stated marijuana is a link to other substance abuse, and he was uncertain as to what type of people would come into the community.

Dr. Richardson stated we are trying to rebuild our community and this is not the image we are trying to promote.

**Annie L. Walker, 2201 W. Evans Avenue, North Las Vegas,** spoke in opposition to this item. Ms. Walker reiterated there are churches and recreation facilities for children in the area. Ms. Walker did not know why this property was selected and stated there was other property that could be used for this purpose.

Ms. Walker said she did not want anything that would degrade the city or its people. Ms. Walker asked that the Commission try to grow the city and make it a better place.

Ms. Walker suggested a site located toward the mountains and away from people who are trying to live a decent life. Ms. Walker stated she has children, great grandchildren and great, great grandchildren. She wants to leave them something they will be proud of.

**Pastor Billy Miller, President, Windsor Park Association, 2741 Saber Dr., North Las Vegas**, spoke in opposition to this item. Pastor Miller was under the impression when they first started talking about medical marijuana being produced in the City that it would be out in Apex or away from residents. Businesses are now trying to locate in residential areas – Martin Luther King Boulevard and Cheyenne Avenue; Cheyenne Avenue and Simmons Street.

If a [medical marijuana] farm is put in at Simmons Street, he was unsure of what kind of environmental issues there would be; i.e. mold due to water supply and fumes due to production.

Pastor Miller reiterated they did not want this near their gymnastics facility, churches or schools.

**Bob Mersereau, 4836 Crystal Sword Street, North Las Vegas**, spoke in opposition to this item. This business was originally designed and approved for Apex, and is where it belongs. It was pulled from Apex because there is no water there at this time. It does not belong in the neighborhoods. Three of the four cultivation plants are scheduled for the greater part of Windsor Park. The proposed site is close to churches, gymnastics facility and a retail store nearby. It is not part of the planned development that the City spent \$300,000 on to get the Choice Neighborhood together. Mr. Mersereau requested the proposed site be located where it belongs.

**Lydia Garrett, President of North Valley, 1921 W. McDonald Avenue, North Las Vegas**, spoke in opposition to this item. Ms. Garrett stated they have been working in the community for ten years to turn it around in a different direction and rebuild it. Some of their successes with the North Valley Leadership Team included a reduction of crime by 38% because they removed those elements that are now being moved back into the community. Property values have tripled since they have done the clean-up. They have been working with the City, the Police Department, and residents to improve the community. The City sent Ms. Garrett to Washington, D.C. to meet with the Housing of Urban Development officials to discuss the Choice Neighborhood grant and what the possibilities could be.

Ms. Garrett stated there were already two medical marijuana businesses – a dispensary at Cheyenne Avenue and Simmons Street and at Martin Luther King Boulevard and Cheyenne Avenue.

Ms. Garrett visited the Richard Steele gym and he was not aware their neighbor could be a medical marijuana cultivator. She also approached a Flag Football group in the same complex, with children from 4-14 years of age. This is located less than 300 feet from the proposed site. Ms. Garrett visited a business that offers therapy to children with autism, and they are located less than 50 feet from the last dispensary. According to the laws, there should be 300 feet between residential neighborhoods; 1,000 feet from schools and 300 feet away from churches and parks.

Ms. Garrett asked that the work they have done over the past ten years to clean up their neighborhood not be destroyed. They are part of the solution which is why they are looking for neighbors that will add to, and not take away from what they are building.

Ms. Garrett stated she was not notified this item was being heard at this meeting.

Chairman Kraft closed the public hearing for Item No. 4, UN-60-16.

Mr. Kennedy stated there would be 24-hour security on the site, and there would be no public access. The construction of the site will be such that they will not be contributing to any problems to the neighborhood, as it will be a secured site. This is a medical marijuana facility that conforms to the laws of the state of Nevada.

Dr. Batty agreed with and respected the concerns that were expressed. He advised they originally wanted to move into Apex at Mountain View Industrial Park and at the Mayor's request, relocated due to the Faraday plant.

Dr. Batty said they found an industrial location and performed all of the distance separation requirements, which were approved. They met with city officials who approved the site. Dr. Batty stated this is not a typical marijuana location, and is an industrial city yard. This is laboratory style – no access to the public and no one can see in or out. There will be 150 employees to hire within the community. There will be no distribution of the plant or infused product from that location. Solar power will be used, along with a recycled water system.

Commissioner Lemmon asked who was allowed to purchase and Dr. Batty responded no one, and that product is sold to dispensaries and delivered across the County.

Commissioner Ewing asked staff to explain the distance requirements. Mr. Eastman stated they are 300 feet to a community facility; i.e. churches. The other is a 1,000 foot separation from a school site. The applicant is required to submit a survey that shows they are in compliance with separation requirements, which was submitted by a registered land surveyor, which shows they meet both separation requirements. They also have a 300 foot separation from developed residential. They are over 1,000 square feet away from a residential structure.

Commissioner Greer asked if the applicant was required to meet with North Valley to address issues. Mr. Eastman stated there is no requirement to meet with a neighborhood group. The requirement for the public hearing notices is to notify all property owners within 500 feet and a minimum of 30 property owners. If you do not have a minimum of 30 property owners within 500 feet, there is an expansion of notification until that minimum is met.

Commissioner Robison reiterated they were asked to vacate that property. Mr. Robison asked what was compelling about that location. Mr. Kennedy said the location was close to the airport, was an industrial site and would be the most insular site, but where they could have public utilities.

Commissioner Robison asked for a description of the property. Dr. Batty stated it is a generic greenhouse that is used by all plant cultivators, and not just medical marijuana. It is not identified as a medical marijuana cultivator. There are stringent guidelines, and will be almost zero mold in the building. There will be clean slabs of concrete with directional flow of water, fully automated, and air controlled.

Commissioner Perkins stated this is a medical marijuana cultivation facility. The general public will not be allowed on the property. This corner is currently undeveloped land. This business will provide jobs.

Commissioner Robison asked about emitted fumes or odor and Mr. Kennedy said there is a mitigation system for that which requires filters and a misting system and should not have any odor outside.

Commissioner Lemmon asked the applicant if they could prove to the homeowners this was a good and safe use to ease their concerns. Dr. Batty responded he is working with Councilwoman Goynes Brown regarding a neighborhood meeting to address any concerns residents may have.

Dr. Batty said he believes in and supports medical marijuana for patients. He currently serves on the Governor's board to fight opiate use. Trauma used to be the number one cause of death -- opiate is now number one. Medical marijuana should reduce opiate addiction. Emergency room admissions should significantly drop.

ACTION: MOTION TO APPROVE PER AMENDED CONDITIONS

ACTION: MOTION WITHDRAWN

MOTION: Commissioner Ewing

Dr. Batty advised they were open to continuance; however, a continuance would significantly impact their timelines for State requirements.

ACTION: CONTINUED TO OCTOBER 12, 2016

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

5. **UN-59-16 (55640) MME PRODUCTION AT SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLARK NATURAL MEDICINAL SOLUTIONS, LLC DBA NUVEDA, ON BEHALF OF CHEYSIM, LLC PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT, TO ALLOW THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA INFUSED PRODUCTS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BROOKS AVENUE AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-17-601-004. (FOR POSSIBLE ACTION)**

Chairman Kraft requested comments from Item No. 4, UN-60-16) be brought forward.

This item was presented by Robert Eastman, Principal Planner.

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during a follow-up conversation they would comply with the industrial design standards, which will be required during the building permit process.

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Ms. Garrett stated she was not notified this item was being heard at this meeting.

Chairman Kraft closed the public hearing for Item No. 4, UN-60-16.

Mr. Kennedy stated there would be 24-hour security on the site, and there would be no public access. The construction of the site will be such that they will not be contributing to any problems to the neighborhood, as it will be a secured site. This is a medical marijuana facility that conforms to the laws of the state of Nevada.

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Dr. Batty said they found an industrial location and performed all of the distance separation requirements, which were approved. They met with city officials who approved the site. Dr. Batty stated this is not a typical marijuana location, and is an industrial city yard. This is laboratory style – no access to the public and no one can see in or out. There will be 150 employees to hire within the community. There will be no distribution of the plant or infused product from that location. Solar power will be used, along with a recycled water system.

Commissioner Lemmon asked who was allowed to purchase and Dr. Batty responded no one, and that product is sold to dispensaries and delivered across the County.

Commissioner Ewing asked staff to explain the distance requirements. Mr. Eastman stated they are 300 feet to a community facility; i.e. churches. The other is a 1,000 foot separation from a school site. The applicant is required to submit a survey that shows they are in compliance with separation requirements, which was submitted by a registered land surveyor, which shows they meet both separation requirements. They also have a 300 foot separation from developed residential. They are over 1,000 square feet away from a residential structure.

Commissioner Greer asked if the applicant was required to meet with North Valley to address issues. Mr. Eastman stated there is no requirement to meet with a neighborhood group. The requirement for the public hearing notices is to notify all property owners within 500 feet and a minimum of 30 property owners. If you do not have a minimum of 30 property owners within 500 feet, there is an expansion of notification until that minimum is met.

Commissioner Robison reiterated they were asked to vacate that property. Mr. Robison asked what was compelling about that location. Mr. Kennedy said the location was close to the airport, was an industrial site and would be the most insular site, but where they could have public utilities.

Commissioner Robison asked for a description of the property. Dr. Batty stated it is a generic greenhouse that is used by all plant cultivators, and not just medical marijuana. It is not identified as a medical marijuana cultivator. There are stringent guidelines, and will be almost zero mold in the building. There will be clean slabs of concrete with directional flow of water, fully automated, and air controlled.

Commissioner Perkins stated this is a medical marijuana cultivation facility. The general public will not be allowed on the property. This corner is currently undeveloped land. This business will provide jobs.

Commissioner Robison asked about emitted fumes or odor and Mr. Kennedy said there is a mitigation system for that which requires filters and a misting system and should not have any odor outside.

Commissioner Lemmon asked the applicant if they could prove to the homeowners this was a good and safe use to ease their concerns. Dr. Batty responded he is working with Councilwoman Goynes Brown regarding a neighborhood meeting to address any concerns residents may have.

Dr. Batty said he believes in and supports medical marijuana for patients. He currently serves on the Governor's board to fight opiate use. Trauma used to be the number one cause of death -- opiate is now number one. Medical marijuana should reduce opiate addiction. Emergency room admissions should significantly drop.

Chairman Kraft opened the public hearing for Item No. 5, UN-59-16.

**Gene Collins, 1411 Virginia City, Las Vegas**, thanked the Planning Commission for continuing this item and stated he was not necessarily against what they were doing, but needed time to discern what they wanted to do.

**Pastor Jerry Page, Greater Faith Baptist Church, 5932 Puka Shell Street, North Las Vegas**, expressed several concerns: the increased number of these establishments in the same area (within 1.5 miles); the impact on children who play in the parks throughout the day/night, and policing is on the decline. Pastor Page said marijuana was a gateway drug, and expressed additional concern about the City's image.

Chairman Kraft closed the public hearing for Item No. 5, UN-59-16.

ACTION: CONTINUED TO OCTOBER 12, 2016

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

6. **ZN-25-93 (55307) LONE MOUNTAIN AND SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARTNERSHIP ANAND MILAN, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT, ORIGINALLY APPROVED FOR 86, SINGLE-FAMILY DWELLING UNITS, TO ALLOW 96 TOWNHOMES FOR SENIOR HOUSING AND 8 GUEST ROOMS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-810-014. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The current Planned Unit Development (PUD) for the undeveloped parcel is to allow 86, single-family homes. The applicant proposed senior housing with individual, connected row houses with a single car garage, and a one or two bedroom unit.

Internally, there is a large central open space area that contains a large club house facility, prayer hall, theater, recreation facility, dining area for seniors, and is encircled by a walkway and path around the perimeter of the site.

The buildings are all one story. There is an ability to have eight (8) guest rooms for family members visiting the residents in the facility.

Mr. Eastman stated staff believes the PUD amendment is appropriate. The density is slightly over eight (8) dwelling units to the acre, which is in compliance with the Comprehensive Plan; Single-Family Medium, 6-13 units/acre. The open space they are proposing is slightly less than 54,000 square feet, where the code requirement is approximately 38,000 square feet. Every unit provides a balcony or patio that is in compliance with code requirements, and they also meet buffer landscaping requirements.

The applicant requires two waivers; one is to allow building separation of less than 20 feet because in their rows of buildings there is approximately 10 feet of separation instead of 20 feet. When looking at the site, staff believes this to be appropriate. The buildings are all one story, and staff does not believe the closeness of the two buildings would create a negative impact.

The second waiver is to reduce the number of off street parking spaces to 158. Every unit has a single car garage, or 96 spaces. There are 62 other spaces located near the club house facility for a total of 158 parking spaces. The code requirement for multi-family would require far more parking. Since this is a senior housing development, staff believes the reduction is warranted. The units all have driveways which could allow additional parking space for guests.

Staff recommended approval, subject to conditions outlined in the memorandum distributed to the Planning Commission during the Caucus Briefing. This item will be forwarded to City Council for final consideration.

The amended conditions per memorandum dated September 14, 2016, are:

Residential Multi-Family Development:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the number of units shall not exceed 96 multi-family homes.
3. That the minimum separation between each multi-family building shall be ten feet.
4. The open space amenities shall be provided as depicted on the site plan.
5. The guest houses shall not be available for rent or transient guest lodging, and shall only be used for family members of the tenants of the development.
6. Occupancy of the dwelling units shall be restricted to Senior Citizens as defined in the Federal Fair Housing Act and amendments.
7. A minimum of 158 off-street parking spaces shall be provided.
8. If the units are constructed as condominiums, additional mapping is required to complete the project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision map approval. However, if the units are constructed as apartments for rent then additional mapping is not needed.
9. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
10. All known geologic hazards, such as fault lines and/or fissures, shall be shown on the civil improvement plans submitted to the Department of Public Works.

Subsequent identification of additional hazards may substantially alter the original site plan.

11. Approval of a drainage study is required prior to submittal of the civil improvement plans.
12. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040. Conformance will require modifications to the site. The proposed driveway fronting Lone Mountain Road shall align with Columbine Drive.
13. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222.1 and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
14. Security gate geometrics, including throat depths, are to be designed and constructed in accordance with *Clark County Area Uniform Standard Drawing* number 222.1. Modifications to the site plan may be needed to comply with the standards.
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. 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.
17. All off-site improvements must be completed prior to final inspection of the first building.
18. Construction of the following 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. Simmons Street
  - b. Lone Mountain Road
19. The developer is required to construct a raised median within Simmons Street. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 PCC and 219 "A" type island curb.

20. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Simmons Street.
21. 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.
22. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
23. A revocable encroachment permit for landscaping within the public right of way is required.
24. Proposed residential driveway slopes shall not exceed twelve percent (12%).

Commercial Development:

25. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
26. The development shall comply with the Commercial Design Standards and Design Guidelines.
27. A final development plan shall be required for Planning Commission review and approval.
28. That the commercial uses in this Planned Unit Development shall only be those allowed in the C-1, Neighborhood Commercial District as principally permitted uses, or as special uses subject to Title 17.24.020 and 17.28.050, with the exception of the following:
  - a. A restricted gaming or nonprofit club "on-sale" liquor use shall be prohibited.

**John Vornsand, 62 Swan Circle, Henderson**, appeared on behalf of the owner and applicant. Mr. Vornsand stated they proposed a 55+ year old, age-restricted, for-sale, condominium community. Mr. Vornsand reviewed the amenities and reiterated the open space exceeded code requirements. Sixteen feet (16') of landscaping would be

provided along the Simmons Street frontage and would be a gated access. The driveway along Lone Mountain would have a crash gate for emergency use only. Mr. Vornsand agreed with staff recommendations and amended conditions.

Chairman Kraft opened the public hearing.

**Mark Lowry, 2707 Old Town Drive, North Las Vegas**, lives across the street from the proposed site. He is in support of this item as long as there is a guarantee it will be a 55+ year old restricted community. He believes this is a fantastic use of this land. He is concerned about the square parcel of land adjacent to the proposed site and wondered if it was owned by the same person. Mr. Lowry added they did not need commercial on any of the four corners and stated it should remain as residential.

Chairman Kraft closed the public hearing.

Mr. Vornsand confirmed the community would be for seniors only. The commercial on the corner is not under the same ownership; therefore, they have no control over it.

ACTION: APPROVED AS AMENDED PER MEMORANDUM DATED SEPTEMBER 14, 2016; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: None

**7. UN-53-16 (55583) MY PLACE HOTEL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE RIVETT GROUP ON BEHALF OF TML MENDENHALL LP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO ALLOW A HOTEL. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-02-612-001. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Numbers 7 (UN-53-16) and 8 (FDP-03-16) were related and briefed together, and voted upon separately.

The applicant proposed to develop approximately 1.5 acres of the property that would include 63 rooms and would be fully furnished with kitchenettes. This is an extended

stay hotel that would also offer nightly stays. The hotel is four stories high and is approximately 51 feet in height.

The PUD was originally approved in 1990 and the property was designated as commercial, and could be either C-2 or C-3. Mr. Jordan stated because the C-3 district is now obsolete, under C-2, a special use permit is required for the hotel. The property is located in an area that has an 80/70 designation, which is part of the air terminal environs (noise level). Normally, under the zoning ordinance, the hotel would not be a permitted use; however, a casino would be an allowed use. Casinos (under state law) are now required to have a 200-room hotel requirement. Staff had no objections to the hotel, provided they build at least 25-decibel sound attenuation into the hotel.

Mr. Jordan referred to the Final Development Plan and stated the applicant is proposing a four story hotel. For the most part, there are no objections to the building; the only exceptions staff has with the design of the hotel itself is the applicant is showing asphalt shingle roofing materials and the zoning ordinance normally requires concrete, clay or tile type roofing materials.

The building elevations show exposed downspouts and they need to be concealed within the design of the building.

The applicant indicated a digital wall sign for this building. At this time, wall signs are not allowed unless they are approved as part of a separate, special use permit. The applicant would need to comply with regular wall signs or return to the Planning Commission for separate approval.

The landscaping plan shows several areas with decorative ground cover with no plant materials. The City requires 50% ground coverage at maturity (within two years). The applicant would have to resubmit their plan to reflect proper ground coverage.

There is a 40-foot sewer easement located along the northerly property line. The site plan shows trees planted every 20 feet on center, which meets code requirements. If the trees are too close to the sewer line, the applicant will need to relocate those trees. Staff will still require a row of trees that will be 20 feet on center to provide a buffer or hedge from the residential to the north, and we would still require 50% ground coverage when they develop this property.

Staff had no objections and recommended approval. The use permit, UN-53-16, will be forwarded to City Council for final consideration.

**The conditions for Item No. 7 (UN-53-16) 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 applicant shall comply with all conditions of approval for FDP-03-16.
3. A noise level reduction, outdoor to indoor of 25 decibels shall be incorporated into the design and construction of the hotel.

**The conditions for Item No. 8 (FDP-03-16) 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. This Final Development Plan shall become null and void should the City Council not approve the associated Special Use Permit (UN-53-16) for the hotel.
3. The building shall comply with the Commercial Design Standards, including, but not limited to providing concrete or clay tile roofing materials, and the proper screening of the downspouts.
4. Development of the site shall comply with the minimum landscaping requirements, including, but not limited to placement of trees and 50 percent ground coverage for all landscaped areas.

**Public Works:**

5. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standards Drawing* number 222.1, including throat depths. Conformance will require modifications to the site plan.
6. 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.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.

8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. Landscaping may be installed within the sewer easement, however, only shrubs and shallow rooted material may be planted over the facility. Trees must be a minimum of fifteen feet from the sewer facility and no permanent structures, including signs, will be permitted within the sewer easement.
10. 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.
11. Approval of a drainage study is required prior to submittal of the civil improvement plans.

**Randal Bender, 1910 8<sup>th</sup> Ave., NE, Aberdeen, SD; Brandon Ames, 598 West, 900 South, Woods Cross, UT; and Jim Barker, TML Mendenhall, 4420 South Decatur Boulevard, Las Vegas**, appeared to answer questions. The landscaping, digital signs, concealed downspouts, and asphalt shingle issues are being addressed.

Chairman Kraft opened the public hearing.

**Terry Ogens, 1108 Stonepeak Avenue, North Las Vegas**, spoke in opposition to this item. Ms. Ogens stated she was a 19-year resident in this area, and the Cobblestone Ridge area had been established for almost 20 years. When she purchased her home she was told the lots in front on Craig Road were a Planned Unit Development and that down the road there could be townhouses, condominiums or apartments. Ms. Ogens said it was never mentioned there could be a hotel or extended stay hotel, whose clientele usually do not have a fixed address. Ms. Ogens had an issue with the building being four stories, and stated once the hotel was built, occupants would be looking into private properties, residents' windows and yards, and they are taking away their privacy. Ms. Ogens stated the access road would go from Lawrence Street to Bruce Street and would increase traffic. Ms. Ogens stated the hotel did not belong in an area with single-family homes in a non-gated community. Ms. Ogens requested the applicant build a brick wall the entire length of the property at the same height of the residents' homes so that their homes could be protected.

Ms. Ogens discussed the road that was recently dug up and stated they did a poor job of laying the trenches. It is hilly in some parts and not others. She was concerned about the quality of the work and requested Planning Commission's support in protecting their home values.

**Anthony Harvey, 4743 Possum Berry Lane, North Las Vegas**, spoke in opposition to this item. Mr. Harvey is a 20-year resident, who purchased his home when it was new.

He did not see any notification regarding this matter. Mr. Harvey stated this is a family neighborhood and was concerned about increased crime rate and decreased home values. Mr. Harvey stated corporate bottom line was not more important than their families and homes.

Chairman Kraft closed the public hearing.

Mr. Bender stated the clientele they sought were primarily military. They consider the location of medical facilities so they can provide housing to those who may need it. Construction workers also need temporary housing. Their company performs quarterly inspections on every property. The franchisee will be fined if non-compliant. They held a meeting on July 14, 2016 and Councilwoman Anita Wood was the only person who attended.

Mr. Barker stated the Mendenhall family was a quality organization, and has been in business for 58 years. Mr. Mendenhall has a personal interest in this development and the tenants are being hand selected and approved by him. The tenants are nationally known chains and will be developed over the next 12 months. This is a major addition to North Las Vegas and the Craig corridor, and will provide jobs for North Las Vegas residents.

Brandon Ames, Civil Engineer, said he was paid to design the site. He stated the My Place Hotel chain was a very tightly run family business. They personally review and visit the sites and meet with the franchisees.

Vice-Chairman Stone stated the parcel to the left and right of Bruce Street at one time had a Gaming Overlay District on it for a future casino in the late 1990's. Mr. Jordan stated in 1997 when Senate Bill 208 was enacted and Gaming Enterprise Districts were removed, no one actually had an entitlement.

Vice-Chairman Stone asked staff to confirm that these parcels were always intended for commercial and were not planned for residential. Mr. Jordan responded they have always shown these parcels as a commercial designation.

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

**MOTION:** Vice-Chairman Stone

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

8. **FDP-03-16 (55584) MY PLACE HOTEL. AN APPLICATION SUBMITTED BY THE RIVETT GROUP, ON BEHALF OF TML MENDENHALL LP, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO DEVELOP A HOTEL. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-02-612-001. (FOR POSSIBLE ACTION)**

Chairman Kraft requested the comments from Item No. 7, UN-53-16, be brought forward.

This item was presented by Marc Jordan, Acting Director.

Item Numbers 7 (UN-53-16) and 8 (FDP-03-16) were related and briefed together, and voted upon separately.

The applicant proposed to develop approximately 1.5 acres of the property that would include 63 rooms and would be fully furnished with kitchenettes. This is an extended stay hotel that would also offer nightly stays. The hotel is four stories high and is approximately 51 feet in height.

The PUD was originally approved in 1990 and the property was designated as commercial, and could be either C-2 or C-3. Mr. Jordan stated because the C-3 district is now obsolete, under C-2, a special use permit is required for the hotel. The property is located in an area that has an 80/70 designation, which is part of the air terminal environs (noise level). Normally, under the zoning ordinance, the hotel would not be a permitted use; however, a casino would be an allowed use. Casinos (under state law) are now required to have a 200-room hotel requirement. Staff had no objections to the hotel, provided they build at least 25-decibel sound attenuation into the hotel.

Mr. Jordan referred to the Final Development Plan and stated the applicant is proposing a four story hotel. For the most part, there are no objections to the building; the only exceptions staff has with the design of the hotel itself is the applicant is showing asphalt shingle roofing materials and the zoning ordinance normally requires concrete, clay or tile type roofing materials.

The building elevations show exposed downspouts and they need to be concealed within the design of the building.

The applicant indicated a digital wall sign for this building. At this time, wall signs are not allowed unless they are approved as part of a separate, special use permit. The applicant would need to comply with regular wall signs or return to the Planning Commission for separate approval.

The landscaping plan shows several areas with decorative ground cover with no plant materials. The City requires 50% ground coverage at maturity (within two years). The applicant would have to resubmit their plan to reflect proper ground coverage.

There is a 40-foot sewer easement located along the northerly property line. The site plan shows trees planted every 20 feet on center, which meets code requirements. If the trees are too close to the sewer line, the applicant will need to relocate those trees. Staff will still require a row of trees that will be 20 feet on center to provide a buffer or hedge from the residential to the north, and we would still require 50% ground coverage when they develop this property.

Staff had no objections and recommended approval. The use permit, UN-53-16, will be forwarded to City Council for final consideration.

**The conditions for Item No. 7 (UN-53-16) 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 applicant shall comply with all conditions of approval for FDP-03-16.
3. A noise level reduction, outdoor to indoor of 25 decibels shall be incorporated into the design and construction of the hotel.

**The conditions for Item No. 8 (FDP-03-16) 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. This Final Development Plan shall become null and void should the City Council not approve the associated Special Use Permit (UN-53-16) for the hotel.
3. The building shall comply with the Commercial Design Standards, including, but not limited to providing concrete or clay tile roofing materials, and the proper screening of the downspouts.
4. Development of the site shall comply with the minimum landscaping requirements, including, but not limited to placement of trees and 50 percent ground coverage for all landscaped areas.

**Public Works:**

5. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standards Drawing* number 222.1, including throat depths. Conformance will require modifications to the site plan.
6. 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.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.
8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. Landscaping may be installed within the sewer easement, however, only shrubs and shallow rooted material may be planted over the facility. Trees must be a minimum of fifteen feet from the sewer facility and no permanent structures, including signs, will be permitted within the sewer easement.
10. 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.
11. Approval of a drainage study is required prior to submittal of the civil improvement plans.

**Randal Bender, 1910 8<sup>th</sup> Ave., NE, Aberdeen, SD; Brandon Ames, 598 West, 900 South, Woods Cross, UT; and Jim Barker, TML Mendenhall, 4420 South Decatur Boulevard, Las Vegas**, appeared to answer questions. The landscaping, digital signs, concealed downspouts, and asphalt shingle issues are being addressed.

Mr. Bender stated the clientele they sought were primarily military. They consider the location of medical facilities so they can provide housing to those who may need it. Construction workers also need temporary housing. Their company performs quarterly inspections on every property. The franchisee will be fined if non-compliant. They held a meeting on July 14, 2016 and no one attended. Councilwoman Anita Wood was the only person who attended.

Mr. Barker stated the Mendenhall family was a quality organization, and has been in business for 58 years. Mr. Mendenhall has a personal interest in this development and

the tenants are being hand selected and approved by him. The tenants are nationally known chains and will be developed over the next 12 months. This is a major addition to North Las Vegas and the Craig corridor, and will provide jobs for North Las Vegas residents.

Brandon Ames, Civil Engineer, said he was paid to design the site. He stated the My Place Hotel chain was a very tightly run family business. They personally review and visit the sites and meet with the franchisees.

Vice-Chairman Stone stated the parcel to the left and right of Bruce Street at one time had a Gaming Overlay District on it for a future casino in the late 1990's. Mr. Jordan stated in 1997 when Senate Bill 208 was enacted and Gaming Enterprise Districts were removed, no one actually had an entitlement.

Vice-Chairman Stone asked staff to confirm that these parcels were always intended for commercial and were not planned for residential. Mr. Jordan responded they have always shown these parcels as a commercial designation.

ACTION: APPROVED

MOTION: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

ABSENT: None

9. **T-1385 (55397) CRAIG & CAMINO AL NORTE. AN APPLICATION SUBMITTED BY LOCHSA ENGINEERING, ON BEHALF OF PRE CRAIG CAMINO LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1, SINGLE-FAMILY LOW DENSITY (PROPOSED C-2, GENERAL COMMERCIAL DISTRICT), FOR THE DEVELOPMENT OF A SINGLE-LOT COMMERCIAL SUBDIVISION. THE PROPERTIES ARE GENERALLY LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-201-009 AND 139-04-601-001. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO OCTOBER 12, 2016, PER THE APPLICANT'S REQUEST

10. **UN-55-16 (55605) MME CULTIVATION AT 203 E MAYFLOWER AVE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SERENITY WELLNESS GROWERS, LLC, ON BEHALF OF SFC LEASING LP, 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 203 EAST MAYFLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-615-026. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Nos. 10 (UN-55-16) and 11 (UN-56-16) were related and briefed together, and voted upon separately.

Item No. 10, UN-55-16, is to allow a cultivation facility for medical marijuana and Item No. 11, UN-56-16 is to allow the production of edible marijuana products or marijuana infused products.

The City has seen previous approvals at this location going back to October 2014, at which time the City Council approved a cultivation facility. The Planning Commission approved an extension of time in December 2015. A use permit for a production facility was also approved by City Council at this location, and later for a dispensary. This property has land use entitlements for a medical marijuana establishment.

This is a change of location for the applicant, as they were previously approved for conditional use permits by the State within the Apex area, and they are now proposing to come into this property. They have provisional licenses from the State for cultivation and production. They comply with all the separation requirements of 1,000 feet from a school and 300 feet from a community facility and developed residential. The applicant meets all size requirements for cultivation.

Staff had no objections. Staff recommended Condition Nos 2 and 3 be deleted from both UN-55-16 and UN-56-16. In addition, Planning Commission received a letter from the property owners in the area expressing their opposition.

Staff recommended approval for both use permits.

The conditions for UN-55-16 are:

**Planning & Zoning:**

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

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.
3. Off-site remote access to surveillance cameras.
4. Secure roll up doors and alarm auxiliary doors for emergency exit only.
5. Fencing and gates should be to appropriate security levels.

**Wells Littlefield, 8136 Amy Springs Street, Las Vegas**, consultant for the applicants, appeared to answer questions. This location is 21,700 square feet in size to be used for cultivation and production. His clients also own and operate the Oasis Dispensary in downtown Las Vegas.

Chairman Kraft opened the public hearing for Item No. 10, UN-55-16. Chairman Kraft closed the public hearing, for Item No. 10, UN-55-16

ACTION: APPROVED AS AMENDED; CONDITION NOS. 2 AND 3 DELETED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: None

11. **UN-56-16 (55607) MME PRODUCTION AT 203 E MAYFLOWER AVE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SERENITY WELLNESS GROWERS, LLC, ON BEHALF OF SFC LEASING LP, 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 203 EAST MAYFLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-615-026. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Nos. 10 (UN-55-16) and 11 (UN-56-16) were related and briefed together, and voted upon separately.

Item No. 10, UN-55-16, is to allow a cultivation facility for medical marijuana and Item No. 11, UN-56-16 is to allow the production of edible marijuana products or marijuana infused products.

The City has seen previous approvals at this location going back to October 2014, at which time the City Council approved a cultivation facility. The Planning Commission approved an extension of time in December 2015. A use permit for a production facility was also approved by City Council at this location, and later for a dispensary. This property has land use entitlements for a medical marijuana establishment.

This is a change of location for the applicant, as they were previously approved for conditional use permits by the State within the Apex area, and they are now proposing to come into this property. They have provisional licenses from the State for cultivation and production. They comply with all the separation requirements of 1,000 feet from a school and 300 feet from a community facility and developed residential. The applicant meets all size requirements for cultivation.

Staff had no objections. Staff recommended Condition Nos 2 and 3 be deleted from both UN-55-16 and UN-56-16. In addition, Planning Commission received a letter from the property owners in the area expressing their opposition.

Staff recommended approval for both use permits.

The amended conditions for UN-56-16 are:

**Planning & Zoning:**

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

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.
3. Off-site remote access to surveillance cameras.
4. Secure roll up doors and alarm auxiliary doors for emergency exit only.
5. Fencing and gates should be to appropriate security levels.

**Wells Littlefield, 8136 Amy Springs Street, Las Vegas**, consultant for the applicants, appeared to answer questions. This location is 21,700 square feet in size to be used for cultivation and production. His clients also own and operate the Oasis Dispensary in downtown Las Vegas.

Chairman Kraft opened the public hearing for Item No. 11, UN-56-16. Chairman Kraft closed the public hearing for Item No. 11, UN-56-16.

ACTION: APPROVED AS AMENDED; CONDITION NOS. 2 AND 3 DELETED.  
APPLICANT NAME CORRECTED TO SERENITY WELLNESS  
PRODUCTS, LLC

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: None

12. **UN-57-16 (55618) PHYSIS ONE, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHYSIS ONE, LLC, ON BEHALF OF ADV D HOLDINGS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A CULTIVATION FACILITY FOR MEDICAL MARIJUANA. THE PROPERTY IS LOCATED AT 4635 ANDREWS STREET, SUITE A. THE ASSESSOR'S PARCEL NUMBER IS 140-06-110-010. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The property is approximately two (2) acres in size, and the applicant is proposing to occupy approximately 16,000 square feet of the existing 36,000 square foot building.

This is the second use permit for medical marijuana establishment on this property. This is a change of location; the applicant has received a provisional license from the state. This application complies with the separation requirements.

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.

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.

3. Off-site remote access to surveillance cameras.
4. Secure roll up doors and alarm auxiliary doors for emergency exit only.
5. Fencing and gates should be to appropriate security levels.

**Michael McDonald, 840 S. Rancho Drive, Las Vegas**, appeared on behalf of the applicant.

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: None

13. **UN-58-16 (55643) VILLAGE AT CRAIG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COLLEEN M. JAMES, ON BEHALF OF KLOSSCO LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW THE "ON-SALE" OF BEER, WINE, AND SPIRIT BASED PRODUCTS IN CONJUNCTION WITH A BANQUET/MEETING HALL. THE PROPERTY IS LOCATED AT 3277 WEST CRAIG ROAD, SUITE 140. THE ASSESSOR'S PARCEL NUMBER IS 139-05-302-009. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The applicant proposed a banquet/meeting hall that will cater to weddings, birthday parties, family reunions, and more. The suite is approximately 5,000 square feet in size.

Staff requested a notarized statement advising they meet the 400-foot separation requirements from schools, parks, day care centers and churches. According to their notarized statement, the applicant complies with all separation requirements, with the exception of a church that is located approximately 340 feet away from their proposed facility.

Staff had no objections to the waiver of the separation requirements because the church is located within a commercial center and the uses are located within two separate buildings.

**Lucy Stewart, 1930 Village Center Circle, and Colleen James, 508 Freeman Avenue, Las Vegas**, appeared to answer questions. This is a banquet facility, and at

no time can someone walk in off the street; it is not open to the public. This facility faces east and the church faces north. They will be installing security on their site and the police department was advised via memorandum.

**Jeff Alpert, 3828 Fuselier Drive, North Las Vegas**, asked the following questions -- what is in the facility now; is there a kitchen facility on the premises and what are the hours of operation.

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

Ms. Stewart advised this is a vacant space. There will not be a kitchen. The caterer will bring in food, and there are no set hours. Ms. James stated they will be respectful of sound and stated she did not want it to be an inconvenience for neighbors.

Commissioner Ewing stated the commercial store front properties are a nice way for churches to get started because they can rent smaller areas. With the separation requirements, it can create the conversation where businesses that are suited for the area may not meet the separation requirements and that causes concern. Commissioner Ewing asked if there was something the City should do to correct this.

Mr. Jordan stated at one time the City did not allow churches to go into commercial centers. Churches petitioned the City to amend the zoning ordinances and staff received direction to do so. When the churches come into commercial locations, they can have an impact. In some cases, the commercial centers request in their lease agreements that no churches be allowed because they could have an impact on their businesses. Staff considers the operating hours of church and the impact on parking. The church is aware there may be alcohol related uses. Amending the zoning ordinance may not have an impact, since the church is aware they are going into a commercial center. Staff is providing appropriate notice to surrounding property owners, and they have a right to come before the Planning Commission to express their concerns.

ACTION: APPROVED

MOTION: Commissioner Robison

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

NAYS: None

ABSTAIN: None

ABSENT: None

14. **ZN-10-16 (55552) AMERICAN DIALYSIS CENTER OF NORTH LAS VEGAS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CYRIL OUVUOIRE ON BEHALF OF 4107 LLC, PROPERTY OWNER, FOR A PROPERTY RECLASSIFICATION FROM THE CURRENT DESIGNATION OF M-2,**

**GENERAL INDUSTRIAL DISTRICT, TO M-1, BUSINESS PARK INDUSTRIAL DISTRICT. THE PROPERTIES ARE LOCATED AT 4107 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-18-504-001 AND 139-18-504-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The land use for this site is mixed use employment. The applicant's proposed use is not allowed in M-2, and is the reason why the applicant is requesting the property be rezoned to M-1. The applicant held a neighborhood meeting on July 18, 2016, and no one attended.

Mr. Jordan stated the proposed zoning is an island of M-1 surrounded by M-2. The surrounding area also has a land use designation of Mixed Use Employment, and M-1 would be appropriate. Under the Comprehensive Plan, the City envisions that entire area eventually transitioning to more of a Light Industrial or Commercial type designation and not necessarily staying as an M-2. Numerous uses surrounding the site are service or office in nature; therefore, the proposed use is compatible.

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

**Jeremy Campbell, KME Architects, 5588 S. Fort Apache Road, Ste. 110, Las Vegas**, concurred with staff recommendations and appeared to answer questions.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Lemmon

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

NAYS: None

ABSTAIN: None

ABSENT: None

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no Director's business to report.

**CHAIRMAN'S BUSINESS**

There was no Chairman's business to report.

**ADJOURNMENT**

The meeting adjourned at 7:56 p.m.

APPROVED: October 12, 2016.

/s/ Kenneth Kraft  
Kenneth Kraft, Chairman

/s/ Diana Tsouras  
Diana Tsouras, Recording Secretary