

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

January 11, 2017

- BRIEFING:** 5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada
- CALL TO ORDER:** 6:07 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 Willard Ewing - Present
Commissioner Laura Perkins – Present
Commissioner Randy Robison - Present
Commissioner Al Greer – Present
Commissioner Rick Lemmon - Present
- STAFF PRESENT:** Marc Jordan, Acting Director
Robert Eastman, Principal Planner
Bethany Rudd Sanchez, Chief Deputy City Attorney
Jose Valenzuela, Deputy City Attorney
Jennifer Doody, Public Works Director
Robert McLaughlin, Public Works/Manager
Curt Kroeker, Public Works/Engineering Associate
Julie Shields, Recording Secretary
- VERIFICATION:** Julie Shields, Recording Secretary
- PLEDGE OF ALLEGIANCE:** Commissioner Al Greer

ELECTION OF PLANNING COMMISSION OFFICER; VICE-CHAIRMAN
(For Possible Action)

ACTION: COMMISSIONER WILLARD EWING ELECTED VICE-CHAIRMAN

PUBLIC FORUM

Nelson Stone, 3604 Chaps Ranch Avenue, North Las Vegas, spoke regarding his difficult decision to resign from the North Las Vegas Planning Commission, but Mr. Stone looks forward to serving on the Clark County Planning Commission and the ability to continue to serve the citizens of North Las Vegas. Mr. Stone addressed each Planning Commission member and conveyed his gratitude and acknowledged the impact each member made throughout his tenure.

AGENDA

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF JANUARY 11, 2017 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: 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 DECEMBER 14, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Chairman Kraft, Commissioners Perkins, Greer and Lemmon

NAYS: None

ABSTAIN: Vice-Chairman Ewing and Commissioner Robison

NEW BUSINESS

- 3. ZN-02-17 (56766) HEALTHCARE REALTY CHEYENNE PUD AMENDMENT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HEALTHCARE REALTY OF CHEYENNE, LLC, ON BEHALF OF HACIENDA CARE IV, LP, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF A 140 BED SKILLED NURSING FACILITY. THE PROPERTY IS LOCATED NORTH OF CHEYENNE AVENUE AND EAST OF CRAWFORD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-12-404-005, 139-12-404-007 AND 008. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to add a 16,000 square foot expansion to the south and in front of an existing one-story skilled nursing facility. It would take up two existing lots between Cheyenne Avenue and the building. The applicant intends to add landscaping and open space areas for the residents. This would create a 140-bed facility. They will increase parking up to the minimum required 110 spaces. Currently, the site is under-parked.

Staff supported the expansion. A health care facility requires that 24% of the lot be dedicated to open space area; currently, only 9% of the lot is dedicated. With the expansion, there will be 33,000 square feet or 17% allotted for open space. A large portion of the lot toward the east on the site plan is not shown as being developed, and is partially used as a drainage facility. Staff would like the applicant to add landscaping and amenities to increase the open space in the area, and bring the site closer into compliance with the twenty-four percent (24%) of open space area.

Staff recommended approval of this item, subject to an amendment to Condition No. 2. Staff is not certain as to how much of the drainage facility will be able to be landscaped; however, staff received assurances the applicant can meet 44,000 square feet, but it could be difficult to meet the 45,000 square feet of landscaped open area.

Mark Bangan, L. R. Nelson Consulting Engineers, 6765 West Russell Road, Suite 200, Las Vegas, agreed with staff's conditions and the 44,000 square feet landscape requirement. Matthew Pruitt, Esquire, also appeared before the Planning Commission to answer questions.

The conditions are:

Planning & Zoning:

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

2. The site shall provide a minimum of 44,000 square feet of landscaped open space.
3. A detailed landscape and amenities plan shall be submitted with the Final Development Plan.

Public Works:

4. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
5. Approval of a drainage study or drainage study waiver is required prior to submittal of the civil improvement plans. Modifications to the site plan may be required to address drainage concerns.
6. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. 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 and/or parcel map approval.
8. All off-site improvements must be completed prior to final inspection of the first building.
9. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

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

ACTION: APPROVED AS AMENDED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

CONDITION NO. 2 TO READ:

THE SITE SHALL PROVIDE A MINIMUM OF 44,000 SQUARE FEET OF LANDSCAPED OPEN SPACE.

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: None

4. **FDP-01-17 (56765) DIAMANTE WEST. AN APPLICATION SUBMITTED BY RICHMOND AMERICAN HOMES OF NEVADA, ON BEHALF OF TOUSA RECOVERY ACQUISITION, LLC, AND RAVEN HILL VEGAS, LLC, PROPERTY OWNERS, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO DEVELOP 81 SINGLE-FAMILY HOMES. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF CLAYTON STREET AND CHEYENNE AVENUE. THE PARCEL NUMBERS ARE 139-09-418-001, 139-09-418-005 THROUGH 081 AND 139-09-418-086. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This site was originally approved as a Planned Unit Development District (PUD) in 2005, had a tentative map and final map also in 2005. Since that time the development has languished, and their original final development plan expired. In order to complete and begin construction of homes in the area, this Final Development Plan is required. The proposed development is the same as what was originally approved with the original PUD – it has the same 81 lots, the same layout and lot sizes.

There is a small difference. The land use plan is showing a little over 58,000 square feet of open space, where the PUD originally required a little over 59,000 square feet. There are some additional common elements that are not shown as landscaped open space. If they were incorporated into the open space, it would allow them to be in compliance.

Staff recommended approval of this item.

The conditions are:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That this development shall comply with all approved conditions of Ordinance 2104 (ZN-130-04) and T-1158.
3. The submitted elevations, open space and landscape plans shall be considered “conceptual” and are not binding. The City reserves the right to provide additional comments when the applicable building permit applications are submitted
4. Common Lot “E” shall contain a pedestrian walkway to Clayton Street and be landscaped with shrubs and groundcovers.

Stephanie Allen, Kaempfer Crowell, 1980 Festival Plaza Drive, Las Vegas, appeared on behalf of the applicant, Richmond American Homes. There are approximately 14 acres located at the corner of Clayton Street and Cheyenne Avenue. This is a mapped property, with 81 lots. Engle Homes was originally going to develop the project, but the recession came and the project halted. Ms. Allen appeared before the Planning Commission because the Final Development Plan had expired. Ms. Allen concurred with staff’s recommendations and conditions.

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

5. **UN-02-17 (56756) DAVYN RIDGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LENNAR, ON BEHALF OF KENNA VLLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-2, SINGLE-FAMILY MEDIUM DENSITY DISTRICT, TO ALLOW SINGLE-FAMILY DWELLINGS. THE PROPERTIES ARE GENERALLY LOCATED NORTHEAST OF GOWAN ROAD AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-07-614-009 THROUGH 028 AND 139-07-511-001 THROUGH 022. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This development is partially developed, and Lennar Homes will complete it. There are changes to the original design of the site. Previously, there were duplex lots, and they

are re-mapping the site to single-family homes. Single-family detached homes are not a principally permitted use in an R-2 district, and would require a use permit.

The lots range from 4,000-4,700 square feet. The applicant is in compliance with the other zoning requirements, including setbacks and minimum lot width and size. Approval of the use permit will not create a negative impact on the neighborhood and will allow the development to remain in compliance with what currently exists.

Staff recommended approval of this item.

The condition is:

Planning & Zoning:

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

Robert Flaxa, Lennar Homes, 2490 Paseo Verde Drive, Henderson, appeared on behalf of the applicant. Mr. Flaxa requested the Planning Commission's support of this item.

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

ACTION: APPROVED

MOTION: Commissioner Lemmon

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

NAYS: None

ABSTAIN: None

6. **UN-04-17 (56761) BOURBON STREET SPORTS BAR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RREF-II-KI PROMENADE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW AN ON-SALE (RESTRICTED GAMING) ESTABLISHMENT. THE PROPERTY IS LOCATED AT 775 WEST CRAIG ROAD, SUITES 152-160. THE ASSESSOR'S PARCEL NUMBER IS 139-03-314-009. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to develop an adult entertainment facility with restricted gaming, liquor and a number of other arcade gaming machines for their patrons. There are also dining and lounge areas. The applicant is requesting a number of waivers; the 2,500-

foot separation from another restricted gaming establishment; the 1,500-foot separation from an existing park; and the 500-foot separation from developed residential.

Waiver of the 2,500-foot separation from another restricted gaming facility: Is for another tavern located north of Craig Road and west of the site (Albertson's Shopping Center).

Waiver of the 500-foot separation from residential: There is residential immediately to the west, across Revere Street.

Waiver of the 1,500 foot separation from an existing park: There are two parks; Craig Ranch Regional Park (to the north) and Goldcrest Park, immediately south of the site, abutting the property.

Mr. Eastman advised some of the waivers must have an adequate barrier. Specifically, the 1,500-foot separation from the parks and the 2,500-foot separation from another restricted gaming facility.

An adequate barrier is defined as [for example] the I-15, the 215, any right-of-way that is 120 feet or greater, an improved drainage facility or some other topographical feature that would restrict access between the two sites and would create a barrier.

The applicant claims Craig Road is a 120-foot right-of-way, and therefore, provides a barrier to Craig Ranch Regional Park to the north and to the existing tavern, also to the north.

The applicant states there is an improved drainage facility to the south between their location and Goldcrest Park, and is their adequate barrier.

The 500-foot separation between their use and existing residential does not require an adequate barrier; however, the applicant did offer and suggest that Revere Street should be considered an adequate barrier between the residential use and their proposed restricted gaming facility.

Staff states that Craig Road is a 120-foot right-of-way, has been developed, and could serve as a barrier between the use, Craig Ranch Regional Park and the existing facility.

Staff's concern is the applicant's claim regarding Goldcrest Park to the south. The applicant defines it as an improved drainage facility; however, at Revere Street, the city identifies the drainage facility where it crosses Revere Street. It is buried in a box culvert and sits beneath Goldcrest Park. Goldcrest Park is developed on top of the box culvert and contains trails, barbeques, open play areas, picnic benches, gazebos, is fully developed and acts as a park.

There is no barrier between that park and the proposed use. Because the existing drainage facility is underground, it is not a barrier; therefore, that waiver cannot be supported.

Because the waiver cannot be supported, Staff cannot support their use permit because the distance separation is a requirement in the code, and they do not have a barrier and do not meet the separation requirements.

Staff recommended this item be denied.

The condition is:

Planning & Zoning:

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

Jeff Donato, Sande Law Group, 6077 South Fort Apache Road, Suite 130, Las Vegas, appeared on behalf of the applicant and property owner. Mr. Donato reviewed the site plan and stated they proposed a Bourbon Street concept, and the subject site would be 7,100 square feet. Mr. Donato reviewed the gaming machine and amusement machine types and locations. Mr. Donato stated there would be a prize wall area. The majority of the floor space is for amusement machines, there would also be pool and foosball tables. There are two lounge areas, a dining area, and full service kitchen that would be open 24-hours. There would be signage on the front door indicating you must be 21 years old to enter the establishment, and after hours customers would need to ring a bell to gain access.

Mr. Donato reviewed a map that reflected their requests for waivers. The first waiver is for a like use, and one existed within 2,500 feet, and is near the border. The second waiver is for schools and parks, and Craig Ranch Regional Park (CRRP) and Goldcrest Park are within 1,500 feet; and the third waiver is for residential, and approximately 17 residences exist within 500 feet.

Mr. Donato stated staff said Craig Road was an adequate barrier and they are using it as justification to waive the like use and also for CRRP. Mr. Donato addressed walking to CRRP and stated at the neighborhood meeting, people said a lot of people walked past the location to go to the park. After the meeting, they asked Collins Engineers to conduct a pedestrian count. They went out over a two week period -- on a Tuesday and a Thursday, the first week; and on a Wednesday and Saturday, the second week. The morning times were from 7:00 a.m. until 9:00 a.m. and afternoon times were from 3:00 p.m. until 6:00 p.m. On Thursday, they went from 7:00 a.m. until 9:00 a.m., 3:00 p.m. until 6:00 p.m. The following week they went out on a Wednesday, from 10:00 a.m. until 2:00 p.m. and on Saturday, from 10:00 a.m. until 2:00 p.m. and also from 3:00 p.m. until

7:00 p.m. They looked at who was traveling both north and southbound. The largest number of people walking past the facility going southbound was ten, and the largest number of people walking past the facility going northbound was seven. The number of people passing the location is minimal.

Mr. Donato reviewed the drainage facility in the vicinity of Goldcrest Park, and stated in the Staff Report that the facility to the south was an approved drainage facility. By code, an adequate barrier is an approved drainage facility. Mr. Donato stated that staff said because it makes up part of Goldcrest Park, it is not deemed an adequate barrier. They looked at the history of the property and reviewed the parcel for the residents across the street from the park, which was developed by Sutton Corporation and then deeded to individuals in 1995. They also looked at the parcel for the park and stated it was previously owned by the developer, Sutton Corporation, and was deeded to the city in 1995 because it was undevelopable, because the drainage and flood channels ran through it.

Mr. Donato discussed the Goldcrest Park drainage channel. They pulled the map from Regional Flood Control, which shows the flood control channel extending to Craig Road. There were several agreements entered into between the City of North Las Vegas and Regional Flood Control which talks about the drainage facility being an approved drainage facility, under Exhibit A (2002). In 1998, there was another agreement that shows the flood channel under Revere Street, under the back side, and up to Craig Road. An additional map showed details on the work that was done in the area and in regard to the drainage facility.

In 2009, there was a similar application for a tavern use. There were two like uses within 1,500 feet and a church. The applicant used Craig Road as a justification to waive the church, and the applicant wanted to use the wash as a justification to waive the like uses. Staff said since it was under Craig Road, it was not an adequate barrier and would not allow the item to move forward. The applicant appealed to the Planning Commission, which was overturned and the decision was ultimately approved. Mr. Donato stated this was the same situation on Revere Street, and he believed it to be adequate barrier, as well.

Mr. Donato stated a neighborhood meeting was held on September 6, 2016. Over 700 notices went out and nine people attended. Comment cards were completed by attendees – four did not support the request and another individual said there were too many liquor businesses in the area. Mr. Donato added there was only one like use within 2,500 feet. There was also a concern about the number of gambling machines and Mr. Donato stated the restricted license limited the amount to 15 machines. Another individual was concerned about the impact of reducing home values and increased crime. Mr. Donato responded these concerns would not apply. Another person felt the use was not a good fit because of foot traffic and Mr. Donato said the study supported there would be minimal pedestrian traffic.

Mr. Donato stated they canvassed the area and obtained 93 signatures in support of this request and asked this be entered into the record, and requested the Planning Commission's support of this item.

Chairman Kraft opened the public hearing.

Jolyn Skinner, 4104 Forestville Street, North Las Vegas, spoke in opposition to this item. Ms. Skinner stated when she looks out her front door she can see this area and also Revere Street. Although Mr. Donato said there was little pedestrian traffic, she walks in this area, including the park. Ms. Skinner noticed children coming back and forth from the park. Ms. Skinner also walks in the Goldcrest Park area. Ms. Skinner stated the site would face Revere Street and she and others would see it. Ms. Skinner thought loitering would increase.

Anton Tyler, 631 Spritlake Court, North Las Vegas, spoke in opposition to this item and had quality of life concerns. There is a large low rental income area (St. Andrews) close by and he was concerned about the impact a gaming facility would have on these residents. The people would end up with less money, be ejected from housing and this could possibly create violence in the area. The quality of life in the area would be reduced by having a gaming facility. If the [pedestrian traffic] survey is taken during the winter, you miss the activity generated from the skate park and the Saturday market, which is popular during the summer season. Mr. Tyler said he found it difficult to believe there were only 10 people. Mr. Tyler also thought the arcade machines that generated tickets for prizes would also be played by those under 21 years of age. Mr. Tyler addressed the survey and said they did not define they would be open 24 hours per day, seven days per week. If all the people who were surveyed were given the information, we would have less people who were interested in having this facility so close by.

Deborah Lewis, 4010 Hemphill Street, North Las Vegas, spoke in opposition to this item. Ms. Lewis is a resident of Goldcrest II, and has several issues with this item. Ms. Lewis stated the barrier that is a drainage ditch has walking paths. People walk their children and pets, and fly kites. This is not an adequate barrier. During the evenings, families are walking their children over to the regional park, and this is not a safe place for this type of development.

Ms. Lewis stated in 2006, a 7-year old child was riding a bike to Goldcrest II park and was hit and killed by a drunk driver. This accident happened before the regional park was built. Ms. Lewis attended the memorial service and does not want to attend another service for a child that was hit by a drunk driver.

Ms. Lewis asked the Planning Commission members to remember this child when making their decision, and to think of the kids.

Ms. Lewis stated she attended the neighborhood meeting and there were not six people in attendance, but a half room full of people. She stated people in this neighborhood were not in support of this project.

Greg Smith, 4325 West Rome Boulevard, North Las Vegas, spoke in opposition to this item. Mr. Smith stated he would be speaking on behalf of input received from the North Las Vegas Parks and Recreation. Mr. Smith serves as the Chairman of this board. Additionally, he is a private citizen and life-long resident of North Las Vegas.

Mr. Smith stated aside from the use permit issues, he was concerned the gaming and alcohol establishment would be too close to the park, the children and citizens. A lot of time and money have been invested into the city to make sure we have a vibrant community that serves its citizens. The board is concerned about the crime rate. Mr. Smith said CRRP is a jewel as far as contributing to a lower crime rate. Crime was mentioned but there was no study done regarding crime rate to this area. Home values are impacted. Crime, alcoholism, theft, violence and impaired driving are factors. This is an extremely busy park, and the park events will double in the future. There is also a gun store in the area, and he is concerned.

Chairman Kraft closed the public hearing.

Mr. Donoto addressed diminished quality of life, increased crime and decreased home values, and stated this type of use would not have this type of impact. Mr. Donoto referenced Goldcrest Park and stated the proposed use does not even come into play. He found a location at Centennial Parkway and Lawrence Street and stated there is a park and drainage facility that runs under Centennial Parkway with a P.T.'s Pub located next to the drainage facility. He is unaware of any issues that have resulted from this establishment.

The proposed use has been vacant for over eight years and they are providing a tenant to occupy it. Mr. Donoto asked the Planning Commission for their support.

Commissioner Perkins stated she agreed with staff regarding the barrier not being adequate on the drainage side, and cannot support this item based on staff's recommendations because of the drainage. She added if she lived across the street on Revere Street she would not want to see a 24-hour, adult-oriented business in that shopping center between two parks. She did not want to give up the right to say we can build this type of establishment next to any park in our jurisdiction.

Vice-Chairman Ewing stated the representatives of the applicant were informative, very well prepared and worked hard to make this work. He drove out to the site and his issue is the adequate barrier. His issue was not the park or the drainage canal, but was Revere Street, which destroyed any argument that it is an adequate barrier. Vice-Chairman Ewing felt compelled to support the regulations that are in place, and concluded it was not an adequate barrier.

Commissioner Greer stated he visited the Bourbon Street location across from In-N-Out Burger and said it was a very nice facility – although it is different from the proposed location. Craig Road is a major barrier, but the wash there is nothing like the wash or barrier at the park. Commissioner Greer also visited the proposed location at Revere Street and stated there is a street by Bourbon Street on Craig Road, but there is not residential area close by. There is a major wash and a major fence there. Commissioner Greer was in agreement with the other commissioners that this was not an adequate barrier.

Commissioner Robison discussed the barrier issue. He stated he had been to CRRP enough to know there are several dozens of people who walk to and from the park and that Craig Road is not acting as a barrier for them to get to anywhere they are wanting to get to, including the convenience store that has alcohol and gaming. Commissioner Robison asked staff to elaborate on the barrier issue.

Chief Deputy City Attorney Bethany Rudd Sanchez responded that Title 17 requires that distance separation requirements be met. An adequate barrier is one of the justifications to meet a waiver for those distance requirements. The definition of an adequate barrier has a list of things that staff in their recommendation to City Council decided were adequate to cut off pedestrian traffic. Ms. Rudd Sanchez reviewed a list of what would be considered an adequate barrier; i.e. Interstate 215 or I-15, and an improved drainage facility. In this particular case, staff did not consider the wash as a drainage facility. The drainage facility is underground.

Mr. Donato stated in Staff's Report it deems the drainage facility to the south as an improved drainage facility, and by code, an adequate barrier is an improved drainage facility. On one hand staff is saying it is an improved drainage facility, and by code, an improved drainage facility is an adequate barrier. Mr. Donato requested clarification from staff on how they could deem it an improved drainage facility but not an adequate barrier.

Vice-Chairman Ewing stated staff's concern is Revere Street. Mr. Eastman stated he had a concern about Revere Street – it is not a barrier. While the applicant is not required to provide an adequate barrier between the use and the residential uses to the west, he believed the residential uses to the west would be impacted negatively by the proposed use. Revere Street is not a barrier. Additionally, Mr. Eastman was concerned about the adequate barrier to Goldcrest Park. The Staff Report does indicate that Goldcrest Park is an improved drainage facility because at this location it is a drainage channel that when it hits Revere Street, then gets put into a box culvert and is put underground with the park on top. From a technical standpoint, it is a drainage facility. At this location, it is a park on top of a drainage facility; therefore, it does not act as an adequate barrier, and does not restrict pedestrian or vehicular access between the two uses. Mr. Eastman did not believe the two waivers were warranted and could not be supported.

Commissioner Robison asked if people are concerned about the amount of pedestrian traffic. On one hand we are saying Craig Road is a barrier, yet we have pedestrian lights to allow pedestrians to go back and forth across Craig Road. There is a convenience store 200 feet closer than the proposed use that has the same elements as the proposed use within it.

Ms. Rudd Sanchez responded typically in a convenience store, liquor is not on-sale, it is off-sale liquor and that kind of establishment is different from a land use perspective.

Chairman Kraft stated the proposed establishment is restricted, on-sale liquor where the convenience store is restricted gaming, plus off-sale liquor and are not like uses. Mr. Eastman stated a convenience store at this location is for beer and wine/off-sale and not for hard liquor. The requested use permit is both restricted gaming (15 machines) and a full liquor license for liquor to be consumed on premise and is an on-sale liquor license.

Commissioner Lemmon stated he drives down Craig Road every day and not one day goes by where he does not see a half dozen children on the corner trying to cross the street (near the park). There is a bike shop across the street, a convenience store, and it is a heavily used pedestrian corner.

Chairman Kraft stated the section within the strip mall has been vacant since 2007. There are a number of establishments along Craig Road within the separation requirements that have beer/wine permits. Ruby Tuesday's is within the 1,500-foot separation, which may pre-date the park. There are separation requirements, as well as quality of life issues. Chairman Kraft said Bourbon Street is a great concept and would like to see a third location in North Las Vegas. The Planning Commission's vote is advisory and the next step will be to move this item forward to City Council with the Planning Commission's recommendation.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: None

- 7. UN-01-17 (56673) EL NOPAL MEXICAN GRILL #4 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOSE MORALES, ON BEHALF OF LAS VEGAS ADVENTURE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW THE**

"ON-SALE" LIQUOR LICENSE (BEER, WINE, AND SPIRIT BASED PRODUCTS) WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 955 WEST CRAIG ROAD, SUITE 100. THE ASSESSOR'S PARCEL NUMBER IS 139-04-713-006. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Acting Director.

The applicant submitted a notarized statement to staff indicating they meet the 400-foot separation requirement from schools, parks, day care centers and/or churches.

This is a commercial center and the use is appropriate. Staff had no objections.

Eileen Peralta, 4660 S. Eastern Avenue, Suite 105, Las Vegas, representative, appeared on behalf of Jose Morales and requested approval of this item.

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

Chairman Kraft asked what the difference was between this and the last item, and Mr. Jordan responded the last item involved restricted gaming and the full on-sale of alcoholic beverages. This application is essentially for beer and wine and does not contain any restricted gaming of any kind.

ACTION: APPROVED

MOTION: Commissioner Lemmon

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

NAYS: None

ABSTAIN: None

ABSENT: None

8. **VAC-01-17 (56764) AMERICAN LEADERSHIP ACADEMY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SCHOOLHOUSE DEVELOPMENT, LLC, ON BEHALF OF FLATHEAD, LLC AND QUICK DANIEL L/FAITH TRUST & QUICK FAITH TRS., PROPERTY OWNERS, TO VACATE A PORTION OF HOPE STREET BETWEEN ANN ROAD AND STEPHEN AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-35-102-001. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

This application would allow the future development of a charter school on the property to the east. Only the eastern portion of Hope Street has been dedicated. The western portion is not located within the City of North Las Vegas, and is within the county area.

The Public Works Department requests the item be denied. Presently, on the site plan they show access onto Donna Street. Staff does not want to see access on Donna Street. The houses that are east of Donna Street actually face Donna Street; therefore, having access onto Donna Street could impact the quality of life and the traffic in front of those homes.

If staff were to request an amendment to the site plan (to move all their access to Ann Road), it would limit the site to a right-in, right-out only, as there is an existing median on Ann Road. Additionally, there is a concern regarding parents picking up and dropping off children from the school. They would travel west on Ann Road until they hit the median and would then have to make u-turns, causing additional traffic concerns on Ann Road.

Staff would like to see the site plan revised to add Donna Street into this development, and have their access onto Donna Street. The city wants to see Donna Street put into place to have access not just to this property, but also to future access to the properties to the west.

Staff recommended this item be denied.

Stephanie Allen, Kaempfer Crowell, 1980 Festival Plaza Drive, Las Vegas, appeared on behalf of the applicant and proposed operator, American Leadership Academy (ALA). They have eight (8) charter schools in Phoenix, Arizona and this is their first charter school in Nevada.

Ms. Allen reviewed the vacation site map. Ms. Allen stated the proposed portion of Hope Street was essentially a road to nowhere – it would not go north, and not farther south. If they are required to do the improvements it would be a significant cost on the school's part to put an entire roadway in that would serve their needs and those of the immediate residents around the area. Ms. Allen stated the property owner to the west would like to see this property vacated, and has signed a document stating he would prefer that Hope Street not go through. The property owner to the south, Mr. Christianson (phonetic), said he did not want Hope Street to go through either. The people impacted by Hope Street are the residents in the immediate block and do not want it to go through. Ms. Allen advised Hope Street is not on the Master Streets and Highways Plan and is not contemplated or yet dedicated or improved and there is no Hope Street at this current point. The impact would be that it would remain as it is.

Ms. Allen stated staff was supportive of the use on Item No. 9, UN-04-17, the Charter School and overall site plan.

When they initially came in, the site plan was laid out like in the Staff Report with access on Donna Street. The request from staff was to not have an access point on Donna Street because of the homes that face onto Donna Street. The applicant complied with the request and said they would accommodate the request; however, it limits where you

can put access if you are not going to use Donna Street. Most schools utilize the streets that are adjacent to their property. They accommodated staff's request and made it an emergency access point on Donna Street. They have access on Ann Road. They are proposing to create a private drive which would be maintained by the school, controlled by the school, and is not as much of an overall improvement requirement from the City's standpoint. Ms. Allen stated it would add to the overall access and circulation on the site. The applicant discussed extending the private drive to Stephen Avenue, if the Planning Commission asks them to do so, but would ask the Commission to allow them to gate this area during non-school hours.

Ms. Allen said the charter schools operate well and they have ample parking. The code requires 57 parking spaces and they have 178. There is also an excess amount of queuing space. There are staggered bell times, with an efficient drop-off system and circulation plan.

The school would like to open in August 2017 and there is an aggressive timeline in place. Ms. Allen requested Planning Commission's support of the vacation either as shown on the site plan with the private drive and access immediately into the site, or circulation down to Stephen Avenue, with an allowance to gate the area during non-school hours.

Mike Montandon, 719 Oakbridge Court, North Las Vegas, President, Board of American Leadership Academy, North Las Vegas. Mr. Montandon spoke in support of this item and stated they were excited to come here. They have been working for a long time to receive approval for a charter school. The City Council and Economic Development Department have been very supportive in helping to get the charter school approved. Mr. Montandon referred to site selection and stated he has been involved in R. C. Combs' retirement of the pig farm, which has made that area very attractive. They redesigned the plans at the City's request to address the issue of the homes that fronted on Donna Street. The City Traffic Engineer said making Hope Street private would work. He was surprised to find the recommendation to not approve Hope Street. Mr. Montandon stated Mr. Combs would be speaking tonight. He owns the property to the west of the subject site. It is a commercial zoned property that fronts on North 5th Street and Ann Road. There is no intention of Hope ever being a street. Mr. Montandon requested the Planning Commission's support for the abandonment of Hope Street.

Bob Combs, 555 El Campo Grande, North Las Vegas, spoke in support of the school. He stated this is exactly what his family has done ever since they have been in Las Vegas valley. They have been in North Las Vegas for 54 years. The main drive of their business is to preach conservation, which is based upon education. Mr. Combs said he was thrilled to hear of a charter school coming into their neighborhood to aid in the education of youth. We always have a booth at the county fair with a large sow and litter of piglets – and it is always the most crowded booth at the fair. People are yearning to be educated about the importance of conservation. The school would help

us a great deal in that way. Mr. Combs asked for the Planning Commission's support of the school at this location.

Chairman Kraft closed the public hearing.

Vice-Chairman Ewing stated he was in favor of the vacation, but asked staff if they preferred the private drive remain on the school property or extend to Stephens Avenue.

Jennifer Doody, Public Works Director, stated their main concern for wanting Hope Street there, is they want more than one way to exit the school site. Right now, it places all the burden on Ann Road. There is a similar situation on Losee Road for Sommerset Academy. When you drive past the location during bell periods, there is a lot of traffic congestion. We receive a lot of complaints because all of the burden getting in and out of Sommerset is on Losee Road. Our reason for wanting Hope Street is to give access points and relief valves for some of the traffic leaving the school during bell periods. We would like the access all the way down to Stephens Avenue. Ms. Doody stated she was willing to work with the applicant between now and when the item goes before City Council.

Vice-Chairman Ewing asked Ms. Allen if she discussed the idea of the private drive going all the way to Stephens Avenue with the landowner (not in attendance). Ms. Allen stated she did not know if it was discussed. The reason they asked to gate it was because he preferred there not be traffic coming down to Stephens Avenue. If it is for circulation purposes for the school at those bell times then they would be fine to develop that all the way down to Stephens Avenue, but they would like to have the ability to gate it during non-school hours. Vice-Chairman Ewing confirmed with Ms. Allen the drive would be gated at Ann Road and Stephens Avenue.

Commissioner Robison stated he was happy to hear the Public Works Department was willing to work toward a solution because charter schools by necessity have become experts at traffic flow around bell times.

Commissioner Perkins confirmed with staff that with more time they could work this out. Mr. Jordan responded they respected the applicant's time frame and understood it was aggressive in order to start construction, and so they could be opened by the fall. Staff does not want to slow this process down. Both applications are required to be forwarded to the City Council for final consideration. The applicant has time between now and the City Council meeting to meet with staff if needed.

Chairman Kraft stated a key consideration for him was that the property owners to the south and west support this vacation, and would be most directly impacted on a consistent basis. Chairman Kraft supports the vacation and the request to extend the private drive.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Ewing

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

NAYS: None

ABSTAIN: None

ABSENT: None

9. **UN-05-17 (56763) AMERICAN LEADERSHIP ACADEMY (Public Hearing). An application submitted by Schoolhouse Development, LLC, on behalf of Flathead LLC, Quick Daniel L/Faith Trust & Quick Faith TRS., JSR Living Trust and Soleimani Fariba TRS, property owners, for a Special Use Permit in an R-E, Ranch Estates District, to allow a charter school (K through 8). The property is located at the southwest corner of Ann Road and Donna Street. The Assessor's Parcel Numbers are 124-35-102-001, 124-35-102-002, 124-35-102-003 and 124-35-102-004. (For Possible Action)**

This item was presented by Marc Jordan, Acting Director.

The school would be approximately 72,000 square feet in size and would accommodate approximately 1,000 students within 43 classrooms. The applicant complies with the parking requirements for a school.

A revised memorandum was distributed during the pre-briefing, and the applicant has submitted a revised site plan that now shows Hope Street as a private drive.

The applicant shows an area of security fencing that would wrap around the school, would provide a security gate onto Donna Street, and would wrap around the play area to the south. They have not indicated what kind of design the fence will be; however, staff considers this to be a commercial development and would want to see decorative wrought iron fencing. It looks like part of the fencing would be along the property line, and staff would like to see the fencing setback at least 10 feet, where 10 feet of landscaping is needed outside the fence, between the fence and right-of-way.

The school is approximately 20-32 feet in height. When the property was annexed into the city, staff gave it equivalent zoning to what it was when it was in the County – essentially, Ranch Estates District. The maximum height allowed is 28 feet. Places of a public assembly in a school cannot exceed the maximum height, provided they are set back one additional foot for every additional foot in height. In this case, they need to set the area back an additional four feet. According to the site plan, they have far exceeded the 20-foot setback and are able to encroach into the height areas of the zoning district.

The site is located within the AE-65 Air Terminal Environ Subzone and includes both Nellis Air Force Base and North Las Vegas Airport. It is based on noise contours – the closer they are to the runway, the louder the noises are and the more restricted the type of uses are allowed there. This is an AE-65 Air Terminal Environ Subzone and allows for a school provided the applicant incorporates into the design of the building, a 25 decibel sound attenuation to reduce the noise from the outside to the inside of the school.

The charter school meets the goals of the Strategic Plan to encourage new schools and development. Staff had no objections to this item and recommended approval with the conditions outlined in the revised memorandum.

The conditions per the January 11, 2017 revised memorandum 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. Any security fencing shall be constructed with decorative wrought iron materials and shall be setback a minimum of 10 feet from the property lines next to Ann Road, Donna Street, Hope Street, and Stephen Avenue.
3. If Hope Street is vacated, a minimum 10 feet of landscaping shall be provided adjacent to the west property line.
4. A minimum noise level reduction of 25 decibels, outdoor to indoor shall be incorporated into the design and construction of the school.

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 Standard Drawing* number 222.1, including throat depths. Conformance will require modifications to the site plan.
6. A driveway access on Donna Street will be prohibited. However, emergency access may be allowed.
7. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
10. 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 City Traffic Engineer or designee, and shall be completed within a time frame determined by the City.
11. 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. Ann Road
 - b. Donna Street
 - c. Stephan Avenue
 - d. Hope Street
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
13. The developer is required to construct a raised median within Ann Rd. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb. A thirteen (13) foot wide permanent travel lane with four foot wide Type II shoulder shall be constructed north of the median.
14. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. The property owner is required to grant a roadway easement for commercial driveway(s).

17. Appropriate mapping is required to combine the parcels. 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.
18. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
19. The applicant is responsible for acquiring any easements needed to construct the project.
20. 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.
21. All off-site improvements must be completed prior to final inspection of the first building.

Stephanie Allen, Kaempfer Crowell, 1980 Festival Plaza Way, Las Vegas, appeared on behalf of the applicant and operator, American Leadership Academy. Ms. Allen accepted the revised conditions per the January 11, 2017 memorandum. The operator is an A-rated charter school in Arizona with 6,400 students. This school will have 1,000 students and will include kindergarten through eighth grade. There will be two ways to enter and exit the site.

Vice-Chairman Ewing referenced the private drive and gate. Mr. Jordan stated staff can address the gate with the applicant administratively. Mr. Jordan advised this item would move forward to City Council for final consideration. Staff has an opportunity to meet with the applicant between now and the City Council meeting

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

ACTION: APPROVED, PER REVISED MEMORANDUM DATED JANUARY 11, 2017; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: None

10. **ZN-01-17 (56757) BELTWAY BOAT & RV STORAGE (PUBLIC HEARING). AN APPLICATION WAS SUBMITTED BY NATHAN SCHWEIGART ON BEHALF OF BELTWAY BOAT & RV STORAGE LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM ITS CURRENT DESIGNATION OF R-1, SINGLE-FAMILY LOW DENSITY DISTRICT, TO A C-2, GENERAL COMMERCIAL DISTRICT. THE PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF SAN MATEO STREET, NORTH OF THE CLARK COUNTY 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-101-006. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Numbers 10, ZN-01-17; 11, VN-01-17, 12, WAV-01-17 and 13, UN-03-17 were briefed together and voted upon separately.

Item Number 10, ZN-01-17, is a request for a property reclassification. The applicant would like to develop the site with an RV boat and storage facility. The property is a remnant parcel and C-2 appears to be an appropriate and best zoning for the property. The applicant held their neighborhood meeting on November 9, 2016, and indicated four people attended. Staff had no objections to the re-zoning and recommended approval of Item No. 10, ZN-01-17.

Item Number 11, VN-01-17, is a request for a variance. The applicant requests an elimination of the setbacks on the north and south property lines where 30 feet is required on the north property line, where residential is currently located; and 20 feet is required on the south property line. According to the site plan, the applicant desires to develop the site with 12, 40-foot long x 14-foot wide x 14-foot in height covered parking spaces for recreational vehicle storage. The applicant would like to also develop the site with 30, 20-foot long x 9-foot wide x 10-foot in height covered automobile, boat and storage facilities or spaces. The applicant will place a block wall around the property. The only landscaping that will be developed will be the area between the block wall and San Mateo Street.

Mr. Jordan stated the property was long and narrow and irregularly shaped. One of the hardship requirements that staff looked at for variances was whether the applicant could develop the property without it. If not, do they need a variance to make use of it. If staff held to the rules of the setbacks for the north and south property lines, it might make it difficult to develop the property and meet the setback requirements. Staff had no objections and recommended approval of the variance.

Item Number 12, WAV-01-17, is a request for a waiver to eliminate the landscaping requirements on the north and south property line. Twenty (20) feet of landscaping is required on the north side and 10 feet of landscaping is required on the south property

line. When staff calculated the required landscaping, approximately 15,300 square feet of landscaping would be needed. In this case, the applicant is requesting to waive 85% of the required landscaping. As a result, the applicant must provide two compensating benefits. The applicant proposes a lush landscaping between the wall and San Mateo Street. Staff had no objections to the waiver; however, the applicant must provide two compensating benefits provided on the list; i.e. increase the amount of ground cover, increase the width of the landscaping, or to increase the minimum caliber of the required trees – provide 36” box trees versus 24” and 75% ground cover versus the standard 50% ground cover. Staff recommended approval of WAV-01-17.

Item Number 13, UN-03-17, is a request for a use permit for an automobile, boat and recreational vehicle storage facility. Staff believed this to be a good use for this property and is compatible with the commercial property to the west, and would not impact the multi-family residential to the north. Staff recommended approval of UN-03-17.

Nathan Schweigart, 5015 Schuster Street, Las Vegas, is a co-owner of the property. Mr. Schweigart stated his family lived across the street from I-215 and all Codes, Covenants and Restrictions do not allow boat and storage facilities. Mr. Schweigart believed this would be a good fit and concurred with staff’s recommendations.

Chairman Kraft opened the public hearing on Item Number 10, ZN-01-17. Chairman Kraft closed the public hearing on Item Number 10, ZN-01-17.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Robison

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

NAYS: None

ABSTAIN: None

ABSENT: None

11. **VN-01-17 (56759) BELTWAY BOAT & RV STORAGE (PUBLIC HEARING). AN APPLICATION WAS SUBMITTED BY NATHAN SCHWEIGART ON BEHALF OF BELTWAY BOAT & RV STORAGE LLC, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT, (PROPOSED REZONING TO A C-2, GENERAL COMMERCIAL DISTRICT), TO ALLOW A ZERO CORNER SIDE SETBACK WHERE 20-FEET IS REQUIRED AND A ZERO SETBACK FROM RESIDENTIAL WHERE 30-FEET IS REQUIRED. THE PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF SAN MATEO STREET, NORTH OF THE CLARK COUNTY 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-101-006. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Numbers 10, ZN-01-17; 11, VN-01-17, 12, WAV-01-17 and 13, UN-03-17 were briefed together and voted upon separately.

Item Number 10, ZN-01-17, is a request for a property reclassification. The applicant would like to develop the site with an RV boat and storage facility. The property is a remnant parcel and C-2 appears to be an appropriate and best zoning for the property. The applicant held their neighborhood meeting on November 9, 2016, and the applicant indicated four people attended. Staff had no objections to the re-zoning and recommended approval of Item No. 10, ZN-01-17.

Item Number 11, VN-01-17, is a request for a variance. The applicant requests an elimination of the setbacks on the north and south property lines where 30 feet is required on the north property line, where residential is currently located; and 20 feet is required on the south property line. According to the site plan, the applicant desires to develop the site with 12, 40-foot long x 14-foot wide x 14-foot in height covered parking spaces for recreational vehicle storage. The applicant would like to also develop the site with 30, 20-foot long x 9-foot wide x 10-foot in height covered automobile, boat and storage facilities or spaces. The applicant will place a block wall around the property. The only landscaping that will be developed will be the area between the block wall and San Mateo Street.

Mr. Jordan stated the property was long and narrow and irregularly shaped. One of the hardship requirements that staff looked at for variances was whether the applicant could develop the property without it. If not, do they need a variance to make use of it. If staff held to the rules of the setbacks for the north and south property lines, it might make it difficult to develop the property and meet the setback requirements. Staff had no objections and recommended approval of the variance.

Item Number 12, WAV-01-17, is a request for a waiver to eliminate the landscaping requirements on the north and south property line. Twenty (20) feet of landscaping is required on the north side and 10 feet of landscaping is required on the south property line. When staff calculated the required landscaping, approximately 15,300 square feet of landscaping would be needed. In this case, the applicant is requesting to waive 85% of the required landscaping. As a result, the applicant must provide two compensating benefits. The applicant proposes a lush landscaping between the wall and San Mateo Street. Staff had no objections to the waiver; however, the applicant must provide two compensating benefits provided on the list; i.e. increase the amount of ground cover, increase the width of the landscaping, or to increase the minimum caliber of the required trees – provide 36” box trees versus 24” and 75% ground cover versus the standard 50% ground cover. Staff recommended approval of WAV-01-17.

Item Number 13, UN-03-17, is a request for a use permit for an automobile, boat and recreational vehicle storage facility. Staff believed this to be a good use for this property

and is compatible with the commercial property to the west, and would not impact the multi-family residential to the north. Staff recommended approval of UN-03-17.

Nathan Schweigart, 5015 Schuster Street, Las Vegas, is a co-owner of the property. Mr. Schweigart stated his family lived across the street from I-215 and all Codes, Covenants and Restrictions do not allow boat and storage facilities. Mr. Schweigart believed this would be a good fit and concurred with staff's recommendations.

The condition is:

Planning & Zoning:

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

Chairman Kraft opened the public hearing Item Number 11, VN-01.17. Chairman Kraft closed the public hearing Item Number 11, VN-01.17.

ACTION: APPROVED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

12. **WAV-01-17 (56760) BELTWAY BOAT & RV STORAGE (PUBLIC HEARING). AN APPLICATION WAS SUBMITTED BY NATHAN SCHWEIGART ON BEHALF OF BELTWAY BOAT & RV STORAGE LLC, PROPERTY OWNER, FOR A WAIVER IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT (PROPOSED REZONING TO A C-2, GENERAL COMMERCIAL DISTRICT) TO WAIVE THE REQUIRED LANDSCAPE BUFFERS NEXT TO THE NORTH AND SOUTH PROPERTY LINES. THE PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF SAN MATEO STREET, NORTH OF THE CLARK COUNTY 215 BELTWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-30-101-006. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Item Numbers 10, ZN-01-17; 11, VN-01-17, 12, WAV-01-17 and 13, UN-03-17 were briefed together and voted upon separately.

Item Number 10, ZN-01-17, is a request for a property reclassification. The applicant would like to develop the site with an RV boat and storage facility. The property is a remnant parcel and C-2 appears to be an appropriate and best zoning for the property. The applicant held their neighborhood meeting on November 9, 2016, and the applicant indicated four people attended. Staff had no objections to the re-zoning and recommended approval of Item No. 10, ZN-01-17.

Item Number 11, VN-01-17, is a request for a variance. The applicant requests an elimination of the setbacks on the north and south property lines where 30 feet is required on the north property line, where residential is currently located; and 20 feet is required on the south property line. According to the site plan, the applicant desires to develop the site with 12, 40-foot long x 14-foot wide x 14-foot in height covered parking spaces for recreational vehicle storage. The applicant would like to also develop the site with 30, 20-foot long x 9-foot wide x 10-foot in height covered automobile, boat and storage facilities or spaces. The applicant will place a block wall around the property. The only landscaping that will be developed will be the area between the block wall and San Mateo Street.

Mr. Jordan stated the property was long and narrow and irregularly shaped. One of the hardship requirements that staff looked at for variances was whether the applicant could develop the property without it. If not, do they need a variance to make use of it. If staff held to the rules of the setbacks for the north and south property lines, it might make it difficult to develop the property and meet the setback requirements. Staff had no objections and recommended approval of the variance.

Item Number 12, WAV-01-17, is a request for a waiver to eliminate the landscaping requirements on the north and south property line. Twenty (20) feet of landscaping is required on the north side and 10 feet of landscaping is required on the south property line. When staff calculated the required landscaping, approximately 15,300 square feet of landscaping would be needed. In this case, the applicant is requesting to waive 85% of the required landscaping. As a result, the applicant must provide two compensating benefits. The applicant proposes a lush landscaping between the wall and San Mateo Street. Staff had no objections to the waiver; however, the applicant must provide two compensating benefits provided on the list; i.e. increase the amount of ground cover, increase the width of the landscaping, or to increase the minimum caliber of the required trees – provide 36” box trees versus 24” and 75% ground cover versus the standard 50% ground cover. Staff recommended approval of WAV-01-17.

Item Number 13, UN-03-17, is a request for a use permit for an automobile, boat and recreational vehicle storage facility. Staff believed this to be a good use for this property and is compatible with the commercial property to the west, and would not impact the multi-family residential to the north. Staff recommended approval of UN-03-17.

Nathan Schweigart, 5015 Schuster Street, Las Vegas, is a co-owner of the property. Mr. Schweigart stated his family lived across the street from I-215 and all Codes,

Covenants and Restrictions do not allow boat and storage facilities. Mr. Schweigart believed this would be a good fit and concurred with staff's recommendations.

The conditions are:

Planning & Zoning:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide compensating public benefit as set forth below:
 - a. All trees shall be 36 inch box or larger.
 - b. Seventy-five (75) percent of ground coverage shall be for all landscaped areas.
3. The waiver shall become null and void should the City Council not approve the associated request (ZN-01-17) reclassifying the subject site.
4. The applicant shall comply with all conditions with the associated special use permit and variance, UN-03-17 and VN-01-17.

Chairman Kraft opened the public hearing Item Number 12, WAV-01.17. Chairman Kraft closed the public hearing Item Number 12, WAV-01.17.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Lemmon

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

NAYS: None

ABSTAIN: None

ABSENT: None

13. **UN-03-17 (56758) BELTWAY BOAT & RV STORAGE (PUBLIC HEARING). AN APPLICATION WAS SUBMITTED BY NATHAN SCHWEIGART ON BEHALF OF BELTWAY BOAT & RV STORAGE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT (PROPOSED REZONING TO A C-2, GENERAL COMMERCIAL DISTRICT) TO ALLOW AN AUTOMOBILE, BOAT AND RV STORAGE FACILITY. THE PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF SAN MATEO STREET, NORTH OF THE CLARK COUNTY 215 BELTWAY.**

THE ASSESSOR'S PARCEL NUMBER IS 124-30-101-006. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Acting Director.

Item Numbers 10, ZN-01-17; 11, VN-01-17, 12, WAV-01-17 and 13, UN-03-17 were briefed together and voted upon separately.

Item Number 10, ZN-01-17, is a request for a property reclassification. The applicant would like to develop the site with an RV boat and storage facility. The property is a remnant parcel and C-2 appears to be an appropriate and best zoning for the property. The applicant held their neighborhood meeting on November 9, 2016, and the applicant indicated four people attended. Staff had no objections to the re-zoning and recommended approval of Item No. 10, ZN-01-17.

Item Number 11, VN-01-17, is a request for a variance. The applicant requests an elimination of the setbacks on the north and south property lines where 30 feet is required on the north property line, where residential is currently located; and 20 feet is required on the south property line. According to the site plan, the applicant desires to develop the site with 12, 40-foot long x 14-foot wide x 14-foot in height covered parking spaces for recreational vehicle storage. The applicant would like to also develop the site with 30, 20-foot long x 9-foot wide x 10-foot in height covered automobile, boat and storage facilities or spaces. The applicant will place a block wall around the property. The only landscaping that will be developed will be the area between the block wall and San Mateo Street.

Mr. Jordan stated the property was long and narrow and irregularly shaped. One of the hardship requirements that staff looked at for variances was whether the applicant could develop the property without it. If not, do they need a variance to make use of it. If staff held to the rules of the setbacks for the north and south property lines, it might make it difficult to develop the property and meet the setback requirements. Staff had no objections and recommended approval of the variance.

Item Number 12, WAV-01-17, is a request for a waiver to eliminate the landscaping requirements on the north and south property line. Twenty (20) feet of landscaping is required on the north side and 10 feet of landscaping is required on the south property line. When staff calculated the required landscaping, approximately 15,300 square feet of landscaping would be needed. In this case, the applicant is requesting to waive 85% of the required landscaping. As a result, the applicant must provide two compensating benefits. The applicant proposes a lush landscaping between the wall and San Mateo Street. Staff had no objections to the waiver; however, the applicant must provide two compensating benefits provided on the list; i.e. increase the amount of ground cover, increase the width of the landscaping, or to increase the minimum caliber of the required trees – provide 36" box trees versus 24" and 75% ground cover versus the standard 50% ground cover. Staff recommended approval of WAV-01-17.

Item Number 13, UN-03-17, is a request for a use permit for an automobile, boat and recreational vehicle storage facility. Staff believed this to be a good use for this property and is compatible with the commercial property to the west, and would not impact the multi-family residential to the north. Staff recommended approval of UN-03-17.

Nathan Schweigart, 5015 Schuster Street, Las Vegas, is a co-owner of the property. Mr. Schweigart stated his family lived across the street from I-215 and all Codes, Covenants and Restrictions do not allow boat and storage facilities. Mr. Schweigart believed this would be a good fit and concurred with staff's recommendations.

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. Should the associated request (ZN-01-17) to reclassify the subject site to the C-2, General Commercial District not be approved by the City Council, then this special use permit shall become null and void.
3. Should the associated request (VN-01-17) to eliminate the required setbacks on the north and south property lines not be approved by the Planning Commission, the applicant must amend the site plan as necessary to demonstrate compliance with all appropriate setbacks. However, should the associated variance be approved, the applicant must demonstrate compliance with all conditions of approval for VN-01-17.
4. Should the associated request (WAV-01-17) to eliminate the required landscaping on the north and south property lines not be approved by the City Council, the applicant must amend the site plan as necessary to demonstrate compliance with all appropriate landscaping requirements. However, should the associated waiver be approved, the applicant must demonstrate compliance with all conditions of approval for WAV-01-17.

Public Works:

5. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
6. Approval of a drainage study is required prior to submittal of the civil improvement plans.

7. Clark County Public Works (CCPW) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.
11. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standard Drawing* number 222.1, including throat depths. Conformance may require modifications to the site plan.
12. 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.
13. 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.
14. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. San Mateo Street
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. 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.

17. The applicant is responsible for acquiring any easements needed to construct the project.
18. All off-site improvements must be completed prior to final inspection of the first building.

Chairman Kraft opened the public hearing Item Number 13, UN-03-17. Chairman Kraft closed the public hearing Item Number 13, UN-03-17.

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: None

14. **UN-74-16 (56184) THREE CUPS YARD NORTH AMERICA CULTIVATION FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THREE CUPS YARD NORTH AMERICA, LLC, ON BEHALF OF THREE CUPS YARD REAL ESTATE, 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 12465 APEX GREAT BASIN WAY. THE ASSESSOR'S PARCEL NUMBER IS 103-13-010-025. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 9 AND DECEMBER 14, 2016)**

This item was presented by Marc Jordan, Acting Director.

The applicant proposed to develop the site in phases. The first phase would consist of a building approximately 48,000 square feet in size; and the second phase would consist of a building approximately 36,000 square feet in size. The first phase of construction will begin this year. This is a change of location and the applicant has received a provisional license from the state. The location was changed because of the Faraday project. The site plans shows 58 parking spaces where 49 are required in the first phase. As they continue and develop the second phase, the applicant will have to ensure they meet the parking requirements. The applicant demonstrated compliance with all requirements within the zoning ordinance. It should be noted this is within the transition area of Apex, which means that any development within the transition area cannot create a gathering of individuals that would result in an occupancy of more than 50 persons per acre at any time. This is calculated on the required parking – nine persons per acre.

Staff had no objections and recommended approval of this item.

The conditions are:

Planning & Zoning:

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

Public Works:

2. Approval of a drainage study is required prior to submittal of the civil improvement plans.
3. 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.
4. Traffic cost participation is required prior to approval of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to for the cost participation amount.
5. Provide a pavement turn around at the termination of the streets
6. 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 may require modifications to the site.
7. Construction of the following street is required per the Apex / Mountain View Industrial Park development standards:
 - b. Apex Great Basin Way
 - c. Apex Crossing Lane
8. All off-site improvements must be completed prior to final inspection of the first building.

Elizabeth Sorokac, Esquire, 8965 S. Eastern Avenue, Suite 382, Las Vegas, appeared on behalf of the applicant. Ms. Sorokac stated the parcel is located in Apex

and is adjacent to the Love's Truck Stop. The reason for the continuances is they were going through the architectural review process and it took a little longer to receive the approval letter. They have received the approval letter from the ACCN architectural review committee and are ready to move forward. This is a relocation from the Mountain View Industrial Park to the ACCN Park based on the Faraday project. The new location meets all of the separation requirements from schools, community facilities and developed residential. The applicant agrees with staff's recommendations and conditions.

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

ACTION: APPROVED

MOTION: Vice-Chairman Ewing

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

NAYS: None

ABSTAIN: None

ABSENT: None

15. **DA-04-16 (56514) PARK HIGHLANDS WEST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARGENT MANAGEMENT, LLC, ON BEHALF OF AMBER OWL HOLDINGS, LLC, PROPERTY OWNER, FOR A MAJOR MODIFICATION TO THE DEVELOPMENT AGREEMENT FOR PARK HIGHLANDS WEST TO REMOVE LEASING RESTRICTIONS FROM THE APPROVED DEVELOPMENT AGREEMENT. THE PROPERTY IS GENERALLY BOUND BY GRAND TETON DRIVE, DECATUR BOULEVARD, ELKHORN ROAD AND ALIANTE PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-18-310-003, 124-18-714-001, 124-18-714-002, 124-18-210-002, 124-18-510-002 AND 124-18-310-001. (FOR POSSIBLE ACTION) (CONTINUED DECEMBER 14, 2016)**

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to remove a section that requires all homes except for the larger lot homes and any of the apartments to be owner-occupied for at least two years. This restriction was placed on Park Highlands when this was originally developed in 2006. It was not a part of the Development Agreement (DA) for Aliante or Eldorado. It was removed from the amended Development Agreement for the Villages at Tule Springs. The applicant is requesting to have an even playing field and be treated like the other master-planned communities and requests to remove that restriction. The restriction would affect the majority of the master-planned community. There are currently three parcels that are master-planned for either apartments or mixed use.

One of the parcels that was originally developed and master planned for high density, recently came in with single-family homes, and this lot would be affected, as well. Theoretically, those homes could be leased. When reviewing the request for the major modification, staff considered by approving the DA request, we are allowing this developer to have an equal right with all the other master planned communities. Additionally, if we wanted to keep the leasing restriction, that would place a burden on the developer, Home Owners Association (HOA), and the City to enforce that condition. To enforce the conditions, it would be necessary to put them on the closing papers to state that the home could not be leased. The enforcement problem comes in when someone breaches that condition, then the HOA would have to go after the individual homeowner for leasing out the property; or conversely, a city mechanism would have to be developed for enforcement – both of which would be difficult to control.

Staff recommended the major modification be approved.

Stephanie Allen, Kaempfer Crowell, 1980 Festival Plaza Way, Las Vegas, appeared on behalf of the applicant and master developer, which was previously Park Highlands West, and will now be known as Valley Vista.

Ms. Allen provided an overview of the site map, and discussed one provision that was put into the DA in 2006 that limited the ability to lease out single-family homes for two years. When the developments were split up, this condition was taken out of Tule Springs. As Mr. Eastman stated, it is difficult to enforce and builders do not want to put this provision into their contracts because homeowners do not want to buy homes where they do not have the freedom to use their property as they would like. They would like to be in an equal playing field with the other master planned communities.

Chairman Kraft opened the public hearing.

Tim Friedenberq, 8208 Pink Desert Street, North Las Vegas, spoke in opposition to this item because he had lived in an area that had no restrictions, and one third of the development was purchased by investors who poorly managed their investment and did not require that the landscaping be maintained. He wants to ensure there will be some kind of control over how the renters treat the property and was concerned about the impact it would have on property values.

Rich Kruthoff, 3904 Marsh Sparrow Lane, North Las Vegas, spoke in opposition to this item. His property is adjacent to this development. Currently, when he looks out his backyard he sees a vacant lot. He is not opposed to development. He stated one of the reasons the restriction was put there in the first place was we wanted to make sure that just investors would not come into the community and turn it into a rental place, and allow things to go downhill. Just because everyone else does it, doesn't make it the right thing to do. Mr. Kruthoff wants to make sure that there is some way to control what is going on in the community as far as leasing property. He wants the HOA to be very

restrictive on what can happen there. He does not want the community and property values to go downhill.

Chairman Kraft closed the public hearing.

Chairman Kraft asked Ms. Allen to address the questions. Ms. Allen stated there will be a master HOA and Sub-HOA's for the entire community. The Codes, Covenants and Restrictions are currently being drafted. There is a provision regarding short-term rental – no homes can be rented out for less than a six month period.

Ms. Allen stated the reason for the restriction in 2006 was during that time there was a bubble in the market. People were coming into the area, and there were wait-lists for homes, and prices were increasing by \$20,000 per week. Investors were coming in and buying groups of homes, upping the prices and competing with the builders. Today, builders build to a single home purchaser and do not sell multiple homes to the same purchaser.

Chairman Kraft said there is nothing to prevent the HOA or Sub-HOA from placing additional leasing restrictions in their CCR's, and the original builder has this same option. Chairman Kraft supported removing the restriction because it puts Valley Vista on a level playing field and because it would be difficult to enforce the leasing restriction.

Commissioner Greer added the neighborhood needs to make sure the HOA is doing what it is they are supposed to do.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Acting Director Jordan congratulated Commissioner Ewing on his election to Vice-Chairman. Mr. Jordan advised the appointment for the current vacancy on the Planning Commission is scheduled on the January 18, 2017 City Council Meeting Agenda.

Mr. Jordan discussed the City's Self-Certification Program which would enable licensed professionals such as architects, landscape architects and engineers to expedite the building plans permitting process.

CHAIRMAN'S BUSINESS

Chairman Kraft extended good wishes for the New Year to all in attendance.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

APPROVED: February 8, 2017

/s/ Kenneth Kraft
Kenneth Kraft, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary