

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

October 28, 2009

BRIEFING: 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

Marc Jordan, Planning Manager asked Commissioners if they desired to hold the December 23, 2009 Planning Commission meeting. It was determined the meeting would be canceled.

Mr. Jordan also informed the Commission that the joint meeting planned for November 10, 2009 with the Parks and Recreation Advisory Committee had been canceled.

CALL TO ORDER: 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

ROLL CALL: Chairman Dean Leavitt - Present
Vice-Chairman Steve Brown - Present
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Dilip Trivedi - Present
Commissioner Laura Perkins - Present
Commissioner Joseph DePhillips - Present

STAFF PRESENT: Frank Fiori, P & Z Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Sanchez, Deputy City Attorney II
Lorena Candelario, PW Real Property Mgmt.
Clete Kus, PW, Transportation Planner
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Doug Bergstrom, Utilities
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dean Leavitt

VERIFICATION: Jo Ann Lawrence, Recording Secretary

Chairman Dean Leavitt indicated Commissioner Steve Brown would be attending the meeting via telephone.

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

PUBLIC FORUM

There was no public participation.

NEW BUSINESS

1. **UN-59-09 (39819) REBEL OIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REBEL OIL COMPANY, INC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 22-FOOT HIGH FREESTANDING SIGN WHERE AN EIGHT (8) FOOT HIGH MONUMENT SIGN IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT 250 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-610-003.**

The application was presented by Marc Jordan, Planning Manager who explained the property was currently being developed with a new convenience store with gas pumps and, as a result of the residential development to the south, the maximum height of the sign was eight feet, which could be a monument sign, and the applicant was requesting a 22 foot high sign. The proposed convenience store was in a commercial area that had an existing restaurant, and a U-Haul rental facility and both of the facilities have signs taller than eight feet; however, both signs were approved in 2000 and were grand fathered under the current ordinance. The current ordinance was amended in approximately 2002 with an update in 2003, which changed the criteria to monument signs when they were located directly across from residential. There are some trees along Craig Road; however, the trees are not dense enough to help block the view of the sign from the single-story and two-story homes located within the subdivision. Staff believes the sign would have an impact on the development and was recommending denial of UN-59-09.

Lyndsee Hill, Sign Innovations, 242 Sunpac Avenue, Henderson, NV 89011 appeared on behalf of the applicant stating they were requesting a 22 foot high sign that would display gas prices. They were asking for an increase in sign height due to strict limitations because they were located across from existing residential. The requested sign was significantly lower than their competitors to the east and west along Craig Road. She pointed out the Texaco Station located on the corner of Craig Road and Camino Al Norte was fairly new and was granted a special use permit on March 11, 2009 for an increase in sign height under UN-18-09. They were granted a 14 foot increase to the allowable sign height of 18 foot and the sign is currently 32 foot tall. They were requesting to be allowed a taller sign to compete with the surrounding businesses, who have taller signs. It was felt the 60 foot wash with the block wall and trees create a buffer, along with the width of Craig Road. She explained the sign would be located perpendicular to Craig Road and the homes, so the internal illumination of the sign would not be directed toward the residential. The sign was designed to architecturally match the building by incorporating the stone veneer on the pole covers and meets all setback requirements.

Chairman Dean Leavitt opened the Public Hearing. The following participant came forward:

- **Scott Sauer (no address stated)** was not in favor of allowing a sign taller than allowed by Code and pointed out the Texaco Sign was a replacement for a larger sign, which was why the use was approved.

Chairman Leavitt closed the Public Hearing.

Commissioner Jo Cato stated she supported the sign at Craig Road and Camino Al Norte because it was a replacement of a much larger sign and noticed the applicant had not mentioned the gas station across the street from the proposed location, which also abuts residential. She was not in support of the application, as Craig Road currently had a mix of signs and if that trend was continued, the purpose of what City Council wanted to achieve for Craig Road was being defeated.

Commissioner Jay Aston requested the height of the Chevron signs across from the proposed location and asked if they were temporary signs.

Mr. Jordan responded he believed the signs were temporary, as there was no record of a permit and they appeared to be temporary with a height that appeared to be seven or eight feet.

Commissioner Aston asked if it was correct that the only way the sign could exceed eight feet was if it was for a shopping center.

Mr. Jordan explained whenever there was a sign across the street from developed residential or residential that has been approved for development that has an approved tentative map, it lowered the requirement to an eight foot sign.

Commissioner Aston clarified it was the residential that limited the height of the sign and from looking at the sign, there did not appear to be anything that would obstruct the view of an eight foot sign, so was not in support of the application.

ACTION: DENIED

MOTION: Commissioner Cato

SECOND: Commissioner Trivedi

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato, Trivedi, Perkins and DePhillips

NAYS: None

ABSTAIN:___None

OLD BUSINESS

2. **UN-53-09 (39630) DORRELL COMM. SITE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TURN-KEY TELECOM, LLC ON BEHALF OF LAACO LTD, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A MULTIPLE TOWER FACILITY CONSISTING OF TWO (2) 100 FOOT TELECOMMUNICATION TOWERS; AND MODIFICATION TO THE SETBACK DISTANCE REQUIREMENT TO RESIDENTIAL ZONED PROPERTY TO ALLOW A 16' 8" AND 32' 8" SETBACK FROM THE NORTH AND SOUTH TOWER WHERE A 200 FOOT SETBACK IS REQUIRED. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DORRELL LANE AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-101-014. (CONTINUED SEPTEMBER 23, 2009)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had submitted a revised site plan and a new letter of intent and was now proposing a single telecommunication tower instead of the multiple tower facility. They also changed the design so they were now in conformance with the Design Standards for a telecommunication tower and meet the 200 foot separation from the residential property to the north and were requesting a waiver of the 200 foot separation for the residential to the east. In reviewing the submitted site plan, it appeared that the applicant could meet the 200 foot setback on the existing property and the applicant had requested the waiver to avoid paving a fire access drive isle on the parcel. The Fire Department indicated a 20 foot long drive isle would be necessary to meet the requirements for fire access, so the impact was relatively minor, and the applicant could easily fit the tower and comply with the 200 foot separations from both residential districts; therefore, Staff was recommending that UN-53-09 be denied. Should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. Telecommunication tower shall not exceed 100 feet in height;
3. All antenna arrays shall be flush mounted;
4. Telecommunication tower shall accommodate at least three (3) antenna arrays;
5. Telecommunication tower shall utilize a stealth design;
6. The enclosure wall shall be constructed of decorative block;

7. The equipment shed shall be constructed of decorative block, stone or stucco because it exceeds the height of the enclosed wall by five (5) feet.
8. The setback requirement to the single family dwelling subdivision located to the east of this parcel shall be 188' 11".
9. This special use permit is site specific and non transferable.
10. Approval of a drainage study is required prior to submittal of the civil improvement plans and/or prior to the issuance of any permits associated with this application.
11. The developer shall provide paved access to the site within the public right-of-way.
12. An on-site service access drive, that satisfies the requirements of Clark County Department of Air Quality and Environmental Management rules and regulations, shall be provided. The on-site service access must extend from the public right-of-way to the facility.
13. Fire access lanes shall be designed and located in accordance with Fire Code requirements.

Debbie DePompei, Turn-Key Telecom, 8432 Justine Court, Las Vegas, NV 89128 appeared on behalf of the applicant explaining they were trying to develop something temporary until the site was developed and at that time the tower would be moved, so they were trying to minimize their cost. They were under the impression that if they cut the site to within 150 feet of Commerce Street, that they would not require paved access or fire turn around lanes. When the revised site plan was submitted, the Fire Department needed enough clearance behind the structure to bring fire hoses to the rear of the structure, so they had to move the site closer to the residential to the east in order to not be required to have paved access. At the time, they thought they would be required to have a fire turnaround. They were asking that they be allowed to have an 11' 1" reduction in separation requirement, so they would not have to provide the paved fire access. She explained they were not opposed to providing the paved access, but were trying to minimize their cost, as the site was temporary.

Commissioner Dean Leavitt opened the Public Hearing. There was no public participation.

Commissioner Leavitt closed the Public Hearing.

Commissioner Jay Aston clarified with the applicant that the tower would be taken down and moved to a different location and asked why.

Ms. DePompei explained they would rather place a COW (Communication on Wheels), which they tried to do through the temporary buildings provision in the code, but the approval only carried one year with two renewal periods for three years and the property owner did not know when he would be developing, as it was dependent on the economy and they could not risk losing coverage in the area, so they needed something more permanent.

Commissioner Aston asked the time frame expected for relocating the tower.

Ms. DePompei responded they had no idea. The property owner would provide them with one year notice of his intent to develop and then they would come back before the Commission to get approval for a permit for a COW, so they could move the tower until the property was developed and then the permanent structure would be built, which was why they were trying to minimize their cost.

Commissioner Aston asked Staff if the waiver was considered, if the suggested conditions of approval had a time frame of how long the tower could remain or that the application would have to be reviewed in the future, or if development were to take place on the site, if the location of the tower would be reviewed.

Mr. Eastman responded the conditions of approval did not address those situations and if the Commission desired approval with that type of language, he could draft a condition.

Commissioner Dilip Trivedi asked for Fire Department comment.

Janice Carr of the Fire Department explained originally when the application was reviewed by the Fire Protection Engineer on August 21, 2009, he stated they were not opposed to the application; however, the location of the cell towers and the supporting equipment would block required Fire Department access to future storage buildings necessitating a change in design, location, and size for the future buildings; so, he was concerned about it initially. If the applicant was going to keep access within 150 feet of Commerce Street, then on-site Fire Department access was not required. Anything that exceeds 150 feet, whether it be by 11 feet or 151 feet, the dead end cannot exceed 150 feet and there was no waiver of the Fire Code.

Commissioner Trivedi asked if the access had to be a paved road.

Ms. Carr responded the access had to be a paved road, has to be able to provide all weather driving capabilities, has to be able to support 95,000 pounds, which is the weight of the fire truck, and has to be a minimum of 24 feet wide.

Commissioner Trivedi inquired if there was a fire on a cell tower, what would burn down.

Ms. Carr responded there was a fire on a cell tower at Decatur Boulevard and Craig Road and that it was the communication, but the Fire Code required access to all structures.

Bethany Sanchez, Deputy City Attorney explained the special use permit application was not designed so the cell tower could be built in one place and at some point in the future, during development of the site, could be moved. There was no language that could be added to make the site temporary as the application was for a permanent use permit, so the application being presented had to be considered as such. If the tower location was moved in the future, a new application would have to be submitted. Deputy City Attorney Sanchez did not want to amend conditions that would then be unenforceable.

Ms. DePompei stated she understood from the City's viewpoint the site was permanent, but from theirs it was temporary, which was why they were trying to minimize costs. If the Commission was not in agreement with the waiver, they were not opposed to the conditions of approval.

Commissioner Jay Aston asked if they were in agreement with the conditions of approval.

Ms. DePompei responded they were in agreement with conditions of approval.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Vice-Chairman Brown, Commissioners Aston and Cato

NAYS: Chairman Leavitt, Commissioners Trivedi, Perkins and DePhillips

ABSTAIN: ___None

Ms. DePompei stated they would have agreed to provide the paved access and move the tower if the Commission was not in favor of the waiver request. She explained they were willing to move the tower to 200 feet and provide a 24 foot wide paved access as required by the Fire Department.

Commissioner Leavitt asked for a motion to reopen the application.

ACTION: RECONSIDERATION OF UN-53-09

MOTION: Commissioner Trivedi

SECOND: Chairman Leavitt

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato, Trivedi, Perkins and DePhillips

NAYS: None

ABSTAIN: ___None

Commissioner Jay Aston asked if the fire access was covered in the conditions. The issue was with the 200 foot from the residential.

Mr. Eastman stated Condition No. 8 was amended to read: "The tower shall comply with all setback requirements."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 8 AMENDED TO READ:

8. THE TOWER SHALL COMPLY WITH ALL SETBACK
REQUIREMENTS.

MOTION: Commissioner Perkins

SECOND: Commissioner Trivedi

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato,
Trivedi, Perkins and DePhillips

NAYS: None

ABSTAIN:___None

3. UN-52-09 (39627) MCDONALD'S AT CHEYENNE & LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPECTRUM SURVEYING & ENGINEERING ON BEHALF OF MORTONS INVESTMENT GROUP, LP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 1000 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-403-005. (CONTINUED SEPTEMBER 23 AND OCTOBER 14, 2009)

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to remove the existing McDonald's located at Losee Road and Cheyenne Avenue and relocate it. The applicant revised their site plan and met with Public Works to address their concerns. Public Works is now recommending approval; therefore, Staff was recommending approval of UN-52-09 subject to the conditions listed in the revised memorandum dated October 28, 2009 as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-52-09 shall comply with the Commercial Development Standards and Design Guidelines as outlined in Title 17.24.200, including but not limited to:
 - a. That wheel stops are required for any parking spaces that abut a sidewalk and/or pedestrian walkway that is less than eight (8) foot wide and a wheel stop will be required for the parking space that abuts the trash enclosure head-on.
 - b. That six (6) foot landscaping islands shall be provided at the ends of all rows of parking per Title 17.24.200.E.4.
3. That at a minimum, a three (3) foot landscaped berm or decorative screen wall shall be required for the drive-thru service lane(s) to adequately screen and mitigate headlamp glare and spillage onto adjacent public rights-of-way.
4. Approval of a technical drainage study is required prior to submittal of the civil improvement plans.
5. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. Approval of a traffic study is require prior to submittal of the civil improvement plans.

7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Cheyenne Avenue.
8. The driveway on Cheyenne Avenue must conform to NDOT's Access Management Policy or be eliminated.
9. 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 17.24.130. Conformance may require modifications to the site.
10. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter, and a minimum throat depth of 50'.
11. A minimum of five stacking/queuing spaces (per drive-thru lane) as measured from the each respective order board shall be provided. Stacking and queuing shall not occur within drive aisles.
12. The property owner is required to grant a public 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.
13. All Nevada Power Company 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.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. The property owner is required to sign a restrictive covenant for utilities.
17. 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.
18. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

19. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
20. This application shall comply with the *City of North Las Vegas Municipal Code* and NRS 278. Conformance may require modifications to the site.

Chris Wedo, Spectrum Engineering, 8905 West Post Road, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi asked to see the revised site plan.

Mr. Wedo explained Public Works requested a 50 foot throat depth on the drive isle and an increase in stacking at the drive through, which were changed.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS LISTED
IN MEMORANDUM DATED OCTOBER 28, 2009

MOTION: Commissioner Trivedi

SECOND: Commissioner Leavitt

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Cato,
Trivedi, Perkins and DePhillips

NAYS: None

ABSTAIN:___None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 6:37 p.m.

APPROVED: November 24, 2009

/s/ Dean Leavitt
Dean Leavitt, Chairman

/s/ Jo Ann Lawrence
Jo Ann Lawrence, Recording Secretary