

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

December 9, 2009

WEBINAR: 4:00 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

Introduction to the Planning Commission: Part One
- introduces the concepts, principles, and practices of planning.

BRIEFING: 5:35 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:02 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 - Absent
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
Jeffrey Barr, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department

Xiaohui Yu, Utilities
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dean Leavitt

VERIFICATION:

Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE:

Chairman Dean Leavitt

PUBLIC FORUM

There was no public participation.

NEW BUSINESS

1. **UN-66-09 (40023) OPPORTUNITY STARTS HERE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BOYS & GIRLS CLUBS OF SOUTHERN NEVADA ON BEHALF OF CENTENNIAL PARK LIMITED PARTNERSHIP, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A QUASI-PUBLIC USE (BOYS & GIRLS CLUB). THE PROPERTY IS LOCATED AT 2725 DONNA STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-14-310-024.**

The application was presented by Marc Jordan, Planning Manager who explained the requested use was within an existing apartment complex. According to the building permits researched, it appeared the clubhouse was built in approximately 2000 as an amenity or service to the residents of the apartment complex and was approximately 2000 square feet. Staff had concerns regarding the location of the proposed use. The use, itself, was not an issue but Staff was concerned it was taking over a clubhouse that appeared to provide an amenity to the residents. The amenities for the residents were specifically for the apartment complex and the Boys and Girls Club, even though they were offering services to the boys and girls of the apartment complex, it was also being offered to people in the surrounding neighborhood. Also, Staff was concerned that if the building was being completely occupied by the Boys and Girls Club, that other residents of the apartment complex would not have access to their own clubhouse and by bringing an additional use to the site, the use required approximately 10 parking spaces and the site did not appear to comply with parking requirements for an apartment complex built in the 1970's; therefore, as the use was taking over an amenity for the existing site and did not comply with the parking requirements, Staff was recommending denial of UN-66-09. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The addition of 10 parking spaces shall be provided on the site for the Boys and Girls Club.

Ginger Trublood of Boys and Girls Clubs of Southern Nevada, 6330 South Sandhill #3, Las Vegas, NV 89120 appeared on behalf of the applicant stating the building was built approximately 10 years ago and the previous property management company, Eugene Berger, and the current property management company, Pacific Cap Properties, used the building as a learning center for the residents as well as the community and were not very successful, so in 2006 The Boys and Girls Club was approached by Laura Coleman, who was a North Las Vegas business owner, and Pacific Cap Properties to run a Boys and Girls Club and in November 2006 a Boys and Girls Club was opened in the

apartment complex clubhouse. The program currently ran Monday through Friday from 7 a.m. to 6:30 p.m. and was available to residents of the apartment complex as well as the neighborhood. It was basically for school aged children between the ages of five and 18 and the cost was \$20 per year with scholarships being offered for those who could not afford it. Ms. Trublood explained they had been successful for three years and had no complaints and no problems from the neighborhood or apartment complex residents. Two of their members were currently attending college on scholarships because they were members of the club. She explained they were applying for the special use permit because they did not realize it was required, but found out it was necessary when they applied for a Community Development Block Grant (CDBG). She felt what the Boys and Girls Club was offering was a huge amenity to the neighborhood and the apartment complex and residents would agree it made a safe place for their children and was being used more because there were children there all day, including those on track break and after school and crime in the apartment complex had decreased. She understood the issue that there was 10 parking spaces required but explained everyone who came to the club lived in the apartment complex or in the neighborhood, including two of the staff and the others took the bus so there had been no parking issues. The club was a great asset for the apartment complex, the neighborhood and the community of North Las Vegas.

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

- **Kory Thompson, 3505 El Cortez, Las Vegas, NV 89102**, Property Manager of Centennial Park Apartments since 2001 explained the learning center which existed when she came was defunct for three years and they were a Section 8 property and did not have the funding to run a program like the one provided by the Boys and Girls Club. Before the Boys and Girls Club opened up on the site, there were 20 to 30 incidents of vandalism each month and currently there were approximately 10 per year. Ms. Thompson also explained they hold tenant meetings in the club house, there will be English classes in the spring for the Hispanic residents and the residents also could use the building for any purpose approved by management, so the residents were not being denied use of the facility. Because the residents were mostly Section 8, the clubhouse was not used for parties because they could not afford the deposits for cleaning and damages. There was a computer center in the facility and they were hoping to start a computer class in the spring. Due to their affiliation with the Boys and Girls Club, they received a \$100,000 playground through the KABOOM organization and the Home Depot Foundation. She also commented only 40 percent of the residents had vehicles, so parking was not a problem.
- **Jacqueline Taylor, 2715-A Donna Street, North Las Vegas, NV 89030** stated she was nominated Youth of the Year from the Boys and Girls Club and received a \$2500 college scholarship. She explained since the Boys and Girls Club came to

the apartment complex, there was a safe place for children to go and also agreed the crime in the apartment complex had decreased.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston thanked the Boys and Girls Club for the service they provide in the City and was in favor of the application without the requirement of the parking.

Commissioner Dilip Trivedi concurred with Commissioner Aston and was in favor of the application and felt the required number of parking spaces in the downtown area was too high.

Commissioner Steve Brown asked if Condition No. 1 should be amended if the parking requirement was amended.

Marc Jordan, Planning Manager responded Condition No. 1 did not need to be amended because Condition No. 2 was being deleted.

Commissioner Brown indicated he concurred with other Commissioner's comments and was in favor of the application.

Chairman Leavitt also was in support of the application with the removal of the parking requirement.

Commissioner Laura Perkins felt the Boys and Girls Club was providing a need for the community and was in favor of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NO. 2

MOTION: Commissioner Perkins

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

2. **VAC-09-09 (40037) TRIGGS ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, TO VACATE A 30 FOOT PATENT EASEMENT LOCATED ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THE PARCEL; AND A 15 FOOT RADIUS SPANDREL AT THE NORTHEAST CORNER OF THE PARCEL. THE PROPERTY (PARCEL) IS LOCATED AT THE NORTHEAST CORNER OF ROME BOULEVARD AND SOLFERINO STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-19-301-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to vacate the easements and rights-of-way to help facilitate the construction of an elementary school. In regards to the patent easements and the spandrels, Staff had no objection and was recommending approval of VAC-09-09. Regarding the BLM rights-of-way, the applicant needed to request they be relinquished through the BLM, which was an administrative process in which the School District would work with Staff in gaining necessary approval and he understood Staff had already drafted the letter to BLM requesting their approval. Staff was recommending approval of VAC-09-09 for the patent easements and spandrel with both Condition Nos. 1 and 2 amended as follows:

1. Should the Order of Vacation not record within two years of the approval date, the vacation shall be deemed null and void.
2. Dedication and construction of the following half-streets is required per the Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code Section 16.24.100. Dedication of the right-of-way for the following half-streets are required prior to final approval of the civil improvements plans:
 - a. Solferino Street
 - b. Rome Boulevard
 - c. Inca Dove Street
 - d. Stellar Jay Way

Vernon Harkins, L.R. Nelson Consulting Engineers, 6765 West Russell Road, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation with amendments to Condition Nos. 1 and 2 as read into the record.

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

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH
CONDITION NOS. 1 AND 2 AMENDED AS FOLLOWS:

1. SHOULD THE ORDER OF VACATION NOT RECORD WITHIN TWO
YEARS OF THE APPROVAL DATE, THE VACATION SHALL BE
DEEMED NULL AND VOID.

2. DEDICATION AND CONSTRUCTION OF THE FOLLOWING HALF-
STREETS IS REQUIRED PER THE MASTER PLAN OF STREETS AND
HIGHWAYS AND/OR CITY OF NORTH LAS VEGAS MUNICIPAL CODE
SECTION 16.24.100. DEDICATION OF THE RIGHT-OF-WAY FOR THE
FOLLOWING HALF-STREETS ARE REQUIRED PRIOR TO FINAL
APPROVAL OF THE CIVIL IMPROVEMENTS PLANS:
 - (A) SOLFERINO STREET
 - (B) ROME BOULEVARD
 - (C) INCA DOVE STREET
 - (D) STELLAR JAY WAY

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

3. UN-38-07 (39945) QUALITY GARDENS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MANFRED & CHERYL POLK, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS LOCATED AT 4008 DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-411-008.

The application was presented by Marc Jordan, Planning Manager who explained the application was for an extension of time for an existing use permit to allow a child care center which was originally approved for up to 72 children and the site plan was revised so it complied with the parking requirements for the number of children being cared for. A waiver of the landscaping requirements was granted on all property lines ranging anywhere from nine feet along Decatur Boulevard and five feet on the interior property lines and nothing in the neighborhood had changed since the item was originally approved; therefore, Staff had no objection and was recommending approval of UN-38-07 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances.
2. Must comply with the Commercial Development Standards and Design Guidelines, including but not limited to:
 - a. Building shall be finished in earth tone or neutral colors indigenous to the Las Vegas Valley and its surrounds.
 - b. Rooftop and ground level mechanical and electrical service equipment shall be screened from public view with materials architecturally compatible with the finishes and character of the principle structure within the development.
 - c. The landscaping shall be provided as shown on the site plan.
3. The maximum number of children maintained at this facility shall be 72.
4. The minimum number of parking spaces required shall be twelve (12).
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Decatur Boulevard.
7. 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.

8. 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.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. 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.
11. 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.
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. 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.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
16. The expiration date for the Special Use Permit shall be October 10, 2011.

Cheryl Polk and Manfred Polk, 9041 Baysinger Drive, Las Vegas, NV appeared on the application indicating they concurred with Staff recommendation.

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

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

4. UN-68-09 (40046) VICIOUS CUSTOMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EDGAR N. DELGADO-HERNANDEZ ON BEHALF OF SN INVESTMENT PROPERTIES, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2710 LOSEE ROAD, SUITE 2. THE ASSESSOR'S PARCEL NUMBER IS 139-14-302-003.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to repair automobiles and some of the business would come from existing businesses located within the existing center and the site complied with the parking requirements. Staff was recommending approval of UN-68-09 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Relocate the proposed kiosk building to the west parking lot along Goldfield Street.
4. The operation of the smog hut shall not impede traffic in the drive aisle.

Edgar N. Delgado, 8345 Clear Falls Street, North Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation.

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

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

5. **UN-67-09 (40045) SMOG HUT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRY COLLINS ON BEHALF OF GOLDFIELD 1 LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG STATION). THE PROPERTY IS LOCATED AT 70 EAST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-22-812-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to locate the building approximately five feet away from the north property line and the property to the north was zoned residential; therefore, the proposed location of the smog hut did not meet the 30 foot setback requirement. The applicant was willing to relocate the building to another location that would comply with the setbacks. The other issue with the application was that the site was already developed with a convenience store and car wash and was attached to an adjacent commercial center with in-line retail and an on-sale type use. When calculating the parking requirements for all uses, 211 parking spaces were required and the site currently had 211 spaces and by adding the additional use, parking would be removed for the smog hut and that facility would require four parking spaces; therefore, they did not comply with parking requirements and Staff was recommending denial of UN-67-09.

George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining the smog hut building was an 8' X 10' Tuff Shed that would be made to look like the primary buildings with Stucco and painted to match and would be 8' 6" high at the peak of the roof. If the building was located on the west side of the property, it would become more visible and would take up some of the prime parking, which served the convenience store and car wash. He explained, in shopping centers, not all spaces were occupied at any given time and in the proposed location, those spaces were the least desirable. He requested the Commission allow the use with the current parking and that the building remain at the proposed location and if that was not possible, he would agree to relocate the building to the location on Goldfield Street.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston asked the applicant what was located to the north of the proposed site.

Mr. Garcia responded it was vacant R-3 property.

Commissioner Aston clarified from the site plan that the smog hut was smaller than the hatched area shown on the site plan.

Mr. Garcia explained the hut would take up approximately one half of a parking space.

Commissioner Aston clarified the use may take up one to one and a half parking spaces.

Mr. Garcia responded the building would take half of a space and then parking beyond the person at the smog hut would take up no more than two additional spaces.

Commissioner Aston preferred that the smog hut remain at the location shown on the site plan because the landscape buffers were to beautify the streets.

Vice-Chairman Steve Brown asked if people would pull into a parking space to have the smog check done or parallel to the drive aisle.

Mr. Garcia explained normally vehicles would pull along side the building.

Vice-Chairman Brown agreed with Commissioner Aston that the location shown on the site plan was better suited for the use. He understood Staff's position regarding the R-3 to the north, but did not feel it would affect it, because there would be nice perimeter landscaping with tall trees.

Mr. Jordan explained if there was a desire to approve the application with the building on the north property line, a variance application would be required, so the item would need to be continued to allow the applicant to file an application for a variance.

Mr. Garcia suggested the use could be approved with the parking waiver and he would meet with the property owner and the owner of Smog Hut and if it was desirable, they could make the necessary application for the building location.

Commissioner Brown wanted the building on the north property line and would not approve it with the building located on Goldfield, as he felt it was not a good location.

Commissioner Dilip Trivedi asked Staff if the setback requirements applied to accessory buildings.

Mr. Jordan responded because the building was being used as work space, the 30 foot setback still applied and also, a 30 foot setback was required for an accessory building. Mr. Jordan also added if the application was approved with the conditions listed and the applicant were to come back later and ask for a variance, the applicant would have to ask that the use permit be amended because one of the conditions was that the kiosk be relocated to Goldfield Street; therefore, the use permit would have a condition to relocate the building, so would have to be brought back as a technical matter to have the conditions removed. He recommended, if there was a desire to approve the application with the building located on the north property line, if the applicant was willing, that the application

be continued to allow the applicant to apply for a variance and both applications be heard together.

Mr. Garcia asked if it was approved to relocate the building on Goldfield, unless a variance or waiver was approved, so they would not have to bring the use permit back, but would only have to apply for the waiver or variance.

Mr. Jordan stated they could add the wording “unless otherwise approved by a separate variance”, but not the waiver. A variance application was a public hearing item.

Mr. Garcia agreed to the amendment.

Commissioner Aston asked for clarification of what condition was being amended.

Mr. Jordan explained Mr. Garcia proposed, if there was a desire by the Commission to approve the application, Condition No. 3 would be amended to add the language “unless otherwise approved by a variance application to allow a reduction in the setback”.

Commissioner Aston asked for comments from the other Commissioners.

Commissioner Laura Perkins stated she would like to hear both applications at the same time. She wanted to see the building on the north property line, but wanted buffering to mitigate the noise.

Commissioner Trivedi was in favor of the building being located on the north property line, but wanted additional landscaping to buffer it from the residential.

Commissioner Aston suggested the applicant continue the application and apply for a variance so both applications could be heard together.

Mr. Garcia agreed to a continuance to allow time for the applicant to submit a variance application.

Commissioner Joseph DePhillips agreed with other Commissioners’ comments and that the application should be continued.

ACTION: CONTINUED TO JANUARY 27, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

6. UN-65-09 (40000) SMITH RESIDENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ANNIE SMITH, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A 6,120 SQUARE FOOT LOT WHERE A 6,500 SQUARE FOOT LOT IS THE MINIMUM REQUIRED FOR A GROUP CARE FACILITY. THE PROPERTY IS LOCATED AT 3417 SILER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-12-714-010.

The application was presented by Robert Eastman, Principal Planner who explained the proposed use was traditionally handled administratively through a conditional use permit. It was before the Commission because one of the conditions was the requirement that the lot for a group home be 6,500 square feet and the lot for the proposed application was 6,120 square feet; therefore, a special use permit was required. Staff did not have objections to the proposed use on the site; however, during the investigation and site visits to the facility, it was discovered there was an addition to the home that was encroaching into the side yard setback and did not have all of the proper building permits and it could not be determined if it was in compliance with the Building Code. Before the application could be approved, a variance would be necessary and the addition would have to comply with all Building Code requirements; therefore, Staff was recommending that UN-65-09 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. That UN-65-09 shall be site-specific and nontransferable.
3. That a group care facility shall be allowed on a lot that is 6,120 sf in size.
4. All unpermitted structures and building additions need to be removed or shall comply with the requirements of the 2006 IBC and 2006 IRC.

Annie Smith, 3417 Siler Avenue, North Las Vegas, NV 89030 agreed to remove the addition.

Mr. Eastman stated if the Commission desired approval, Condition No. 4 required the addition to comply with Building Code or it would have to be removed.

Ms. Smith indicated the addition could be removed within the week.

Mr. Eastman explained the applicant would need to have the removal of the addition inspected to verify it had been removed and added Condition No. 3 would be deleted as

it was unnecessary since the purpose of the application was due to the lot size requirement.

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

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
THE DELETION OF CONDITION NO. 3

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

7. **SPR-17-09 (40047) FIRE STATION NO. 52. AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A PARKING LOT, WHICH ABUTS A PUBLIC STREET, TO BE SETBACK TEN (10) FEET FROM THE PROPERTY LINE WHERE 20 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 4110 LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-401-010.**

The application was presented by Robert Eastman, Principal Planner who explained the City and Fire Department were proposing to add facilities to existing Fire Station No. 52 that would expand the fire station. Additionally, with the expansion, the city was proposing to add training facilities for the Fire Department and some additional parking for the Administration Building. Because of a need for the additional space, the City was requesting a reduction of the required landscaping. Due to the landscaping location along Frehner Road, the City felt the ten foot buffer should be sufficient and because of the need of the additional space, Staff was recommending that SPR-17-09 be approved with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Provide a 3'-6" feet high decorative screen wall with a 2'-6" high wrought iron fence on the top adjoining the parking area along Frehner Road. The portion of the screen fence shown in the landscape area located east of the driveway approach on Frehner Road must be of wrought iron fence and must be constructed along the internal sidewalk adjacent to the drive aisle.
3. The development shall comply with the Industrial Design Guidelines with the exception to a ten (10) foot wide landscape area between the parking lot and the property line along Frehner Road.

Commissioner Steve Brown asked if the City was willing to add extra landscaping in the ten foot buffer.

Mike Steele of the Fire Department thought that condition might have been included.

Commissioner Brown noted a decorative wall was being installed.

Mr. Eastman explained under normal circumstances additional landscaping was requested and if it was the Board's desire, Condition No. 3 could be amended to require the 10 foot landscape buffer to have 80 percent ground coverage within two years.

Commissioner Brown verified the wall was located between the parking lot and street and was not right along the sidewalk.

Staff indicated that was correct.

Commissioner Brown requested the landscaping be more dense.

Mark Rogers of Public Works, 2288 Civic Center Drive, North Las Vegas, NV appeared on behalf of the City explaining the budgets were being trimmed and the additional landscaping might not be feasible and asked to be allowed to provide 60 percent ground coverage within two years.

Chairman Dean Leavitt asked how many palm trees would be installed.

Mr. Rogers responded they would meet the required Title 17 requirements.

Commissioner Jay Aston noticed on the site plan, the road with the majority of the traffic was Losee Road and there was a 20 foot landscape buffer on Losee and around the corner where it was most visible and was in favor of the application as presented.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

8. **SPR-19-09 (40125) STEP SAVER, INC. AN APPLICATION SUBMITTED BY ALAN JESKEY BUILDERS, INC. ON BEHALF OF AL TRAMONTO LLC, PROPERTY OWNER FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO WAIVE THE BUILDING EXTERIOR MATERIALS AND FINISH, FOUNDATION LANDSCAPING, AND REDUCE THE PERIMETER LANDSCAPING REQUIREMENT. THE PROPERTY IS LOCATED EAST OF ENGLESTAD STREET AND APPROXIMATELY 500 FEET SOUTH OF GOWAN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-10-310-016.**

The application was presented by Robert Eastman, Principal Planner who explained due to the nature of the site and how the majority of the site was screened by landscaping, it was felt the waivers were appropriate and the foundation landscaping could be accomplished through the use of landscape diamonds in the parking area adjacent to the building; therefore, were requesting that as part of the conditions of approval. Staff was recommending that SPR-19-09 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The proposed development shall comply with the industrial design guidelines with the exception that building elevations, and perimeter landscaping along Englestad Street as submitted herein are acceptable.
3. Provide a six (6) foot wide half diamond landscape area for every three (3) parking spaces located in front of the building. The half diamond landscape area must have a tree and ground coverage of sixty (60) percent to be achieved within two years of Certificate of Occupancy.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans.
6. Prior to approval of the traffic study, the applicant shall submit an Auto Turn Analysis for a WB 50 vehicle to determine actual driveway dimensions and locations, which are subject to review and approval by the City Traffic Engineer.
7. No parking is allowed in front of overhead doors.
8. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Alan Jeskey of Alan Jeskey Builders, 102 Mayflower, North Las Vegas, NV 89030
appeared indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

9. SPR-18-09 (40050) KAMROS HOLDINGS, LLC. AN APPLICATION SUBMITTED BY KAMROS HOLDINGS, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT FOR A WAIVER FROM THE FREESTANDING SIGN REQUIREMENTS TO ALLOW AN ELECTRONIC SIGN TO EXCEED THE MAXIMUM SQUARE FOOTAGE ALLOWED. THE PROPERTY IS LOCATED AT 445 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-03-311-016.

The application was presented by Robert Eastman, Principal Planner who explained the applicant had an existing 350 square foot sign 35 feet in height and was currently in compliance with the sign code. The applicant was proposing to amend the sign and add a 157 square foot electronic message center, which would replace some of the existing sign. The existing sign criteria would allow a maximum sign area for an electronic message unit of 100 square feet. The waiver request was to allow 157 square feet. As proposed, Staff had concerns regarding the sign, as electronic message signs were in general much more eye catching and tended to distract drivers more so than a static display. The larger sign area allowed a greater level of distraction for the drivers; therefore, due to safety concerns, Staff was recommending that SPR-18-09 be denied. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That off-premise advertising shall be prohibited and advertising messages and displays shall be limited to advertisements for tenants within the commercial center.
3. That the electronic message unit shall not change more than once every 20 seconds.
4. That the images and messages displayed must be static, and the transition from one static display to another shall be instantaneous without any special effects.
5. That the images and messages displayed must be complete in themselves, without continuation in content to the next image or message.
6. That every line of copy and graphics on the electronic message unit must be at least 12 inches in height.
7. That the electronic message unit shall be designed and equipped to freeze the device in one position if a malfunction occurs. In addition, the display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that the display is not complying with the conditions of approval.

8. That the use of audio speakers shall be prohibited.
9. That the electronic message unit shall not increase lighting levels by more than 0.3 foot candles over ambient levels as measured using a foot candle meter 150 feet from the sign.
10. That ambient light monitors are required that enable sign brightness to adjust to outside conditions.
11. Structural calculations will be required for the sign, post, and foundation. The address will also have to be posted on the sign per the CNLV sign requirements.

Kamran Abdo, 10120 West Flamingo Road #4-12, Las Vegas, NV 89147 explained developers were facing a challenge keeping tenants and they were using the sign as a way to enhance the center. He pointed out there was a larger sign located at the corner of Lake Mead and Rainbow Boulevards in Las Vegas and had inquired whether the sign had increased businesses in the center and was told since the sign was installed, business had increased by 20 to 25 percent. He did not feel the requested sign would interfere with traffic or cause a safety issue.

Mark Jones with Southwest Engineering, 3610 North Rancho Drive, Las Vegas, NV stated he had done traffic studies on the Strip, off the Strip, and on Flamingo Road and did not have concerns for safety and accident studies did not show accidents were the result of a distraction from a sign. There have been accidents due to sight visibility, misplacement of signs, access too close and things of that nature but not due to distraction.

Chairman Dean Leavitt called the following person for comment:

Scott Sauer, 3305 East Rome Boulevard, North Las Vegas, NV indicated he was opposed to the sign waiver request and felt signs should meet current Code. He also commented on the sign located at Lake Mead and Rainbow Boulevard in Las Vegas, as it advertised for businesses not located within the shopping center and felt if the sign was approved, it should only advertise for the property on which it was located.

Rob McGuire of Vision Sign Company, 6630 Arroyo Springs Street #600, Las Vegas, NV 89113 suggested a slide show presentation, so rather than having complete animation and motion, the message would slide on and it would remain for eight to ten seconds and then slide another one on. The sign was approximately 50 percent over the allowable square footage of 100 square feet and the sign was not overbearing. It was aesthetic to fit the size of the existing sign and not be overpowering.

Commissioner Aston clarified the existing sign had 350 square feet of sign area, 35 feet in height and the new sign did not exceed the height, so the issue was the size of the electronic portion of the sign and current Code allowed 100 square feet and the request was for 156 square feet and asked if there were any other issues regarding the sign.

Mr. Eastman responded that was correct and the remainder of the sign was in compliance with Code.

Commissioner Aston asked the applicant if he was aware of the recommended conditions, should the Commission determine approval was warranted.

Mr. Abdo responded he had reviewed the conditions and was in concurrence except for Condition No. 3 and indicated he spoke to Vision Signs and the freeway signs changed about every 10 seconds.

Commissioner Aston asked for comments from other Commissioners and also asked if the miles per hour the traffic was traveling had anything to do with the ratio of the frequency of the message board changing, whether it was 10, 15 or 20 seconds.

Mr. Eastman responded it did, and explained in a couple of studies there were varying times based on the speed of the road and for a road with a speed limit of 45 MPH, such as Craig Road, the recommended time limit was 20 seconds, which was how the time limit in Condition No. 3 was derived.

Commissioner Aston felt the applicant should either concede to reducing the size of the electronic board or have the board change every 20 seconds as recommended by Staff.

Commissioner Steve Brown asked Staff if the ordinance that covered the 100 square foot maximum was an old ordinance or if it was current.

Marc Jordan, Planning Manager responded the ordinance was amended in approximately 2001 with the provisions and again in 2002.

Commissioner Brown asked Mr. Jordan how the maximum square footage came about.

Mr. Jordan explained the authors of the ordinance were no longer employed by the City and he did not know how the numbers were derived.

Commissioner Brown felt the conditions of approval would not apply if the applicant stayed within the 100 square feet and asked if it was also part of the Code.

Mr. Eastman responded the majority of the conditions would not apply if the sign was 100 square feet.

Commissioner Brown thought if the larger sign was granted, they could limit what could be done with the sign, so there was an advantage to letting the applicant have a larger sign and it could possibly go to City Council for final action.

Mr. Jordan explained a site plan review was final at Planning Commission unless appealed; therefore, it would not be forwarded to City Council and also explained Staff was currently working on the Title 17 re-write and was getting close to the sign section of the zoning ordinance and was proposing to draft requirements that would deal with dynamic displays.

Commissioner Laura Perkins was leery of setting a precedent, as there currently were no signs of this type on Craig Road and with the speed on Craig Road, she did not see the need for a sign larger than what Staff was recommending and asked if there was a condition regarding sign maintenance.

Mr. Eastman responded Condition No. 7 addressed the sign maintenance.

Commissioner Dilip Trivedi asked Staff if the neighboring communities had anything comparable in their codes for dynamic displays.

Mr. Eastman responded the City of Henderson was approximately six months ahead of North Las Vegas in their Title 19 re-write and was using the same consulting firm. Their proposed sign ordinance, while it had not yet been approved, was available for public review and addressed many of Staff's concerns. Specifically, the City of Henderson was proposing for electronic graphic display signs, the 20 seconds and the same requirement that it shut down if it had a malfunction, the same as Condition No. 7, and that any changes in the display, the transition must be immediate, which was very similar to Condition No. 4.

Commissioner Trivedi asked if Henderson had size limitations.

Mr. Eastman responded they did, but it was set to being a maximum 35 percent of the total sign area, so it did not have the 100 square feet.

Commissioner Trivedi understood the dynamic displays were tied to casino use and asked about dynamic displays being hazardous to the driving public and also asked the applicant if he could use a 100 square foot display.

Mr. Abdo responded the sign being proposed would be more effective.

Commissioner Trivedi asked how much of the illumination went upward.

Mr. Jones stated the LED's were directed to shine outward and each unit had a dimming capacity so it automatically dimmed at night and the level could be adjusted.

Mr. Eastman explained to some extent the illumination and brightness was covered with Condition Nos. 9 and 10.

Commissioner Joseph DePhillips asked when research was done, if it was determined how many accidents happened in the area of the Cannery Casino and Texas Station, which had comparable signs.

Mr. Eastman responded there was no survey regarding accident levels at the Cannery Casino based on the signage.

Commissioner Aston commented about the quotation in Staff's analysis that stated "electronic or manually changed message boards shall not exceed a maximum area of 100 feet and/or 50 percent of the sign area" and asked if it implied you could go 50 percent of the sign area, which would be 175 square feet for this application.

Deputy City Attorney Jeffrey Barr responded the provision was interpreted as a limitation, so it would be the lesser of the two.

Commissioner Aston asked the percentage of the total sign area the applicant was requesting.

It was stated it would be approximately 45 percent.

Commissioner Aston felt Staff's recommended conditions should be considered or there should be a slight reduction in the size of the electronic sign.

Chairman Leavitt concurred with comments made by Commissioner Aston and also supported comments made by Vice-Chairman Brown and explained if the size of the sign was allowed, the City would have some control and if the size of the sign was reduced, some of the control would be lost. He understood the concept of setting a precedent, but the Commission generally reviewed applications on a case by case basis.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 3 AMENDED TO READ:

3. THAT THE ELECTRONIC MESSAGE UNIT SHALL NOT CHANGE
MORE THAN ONCE EVERY 15 SECONDS.

MOTION: Vice-Chairman Brown

SECOND: Commissioner Leavitt

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

NAYS: Commissioners Perkins and DePhillips

ABSTAIN: None

OLD BUSINESS

10. **VAC-08-09 (39972) ALCO LANDSCAPE FACILITY EXPANSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FERNANDO AND PATRICIA ARRIAGA, PROPERTY OWNERS, TO VACATE 171 FEET OF WATER AVENUE, COMMENCING 170 FEET WEST OF STOCKER STREET AND PROCEEDING WEST TO THE UPRR RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-22-811-005. (CONTINUED NOVEMBER 24, 2009)**

The application was presented by Robert Eastman, Principal Planner who explained the application was continued to give the neighboring property owner sufficient time to provide proof of their access rights across the Union Pacific Railroad (UPRR) right-of-way. To date, evidence of that access has not been submitted to the City and it was not felt the vacation of Water Street would adversely affect the neighboring property. Staff was recommending approval of VAC-08-09 with the following conditions:

1. Water Street must terminate in CNLV standard mini cul-de-sac and must include curb, gutter and sidewalk.
2. Dedication of the right-of-way required to complete the CNLV mini cul-de-sac must record prior to or concurrent with VAC-08-09.
3. The Order of Vacation shall not record prior to design and bonding of civil offsite improvement plans.
4. The Order of Vacation must record within 1 year of approval date or this application shall become null and void.
5. A Public Utility Easement shall be reserved over the entire area to be vacated.
6. An Ingress/Egress Easement for the Union Pacific Railroad shall be reserved over the entire area to be vacated.
7. No permanent structures are allowed to be constructed within the area to be vacated.
8. The proposed section of Water Avenue to be vacated has an existing 12" ACP water main. The developer must coordinate with the Utilities Department and the Fire Department regarding access to existing facilities in the area. The area proposed to be vacated shall be reserved as a minimum 30-foot wide public utility easement centered over the water main. The language defining the public utility easement must be acceptable to the Director of Utilities.
9. The vacation shall record concurrently with the public utility easements identified in Condition Nos. 5 and 8.

10. The developer shall not place any structure within thirty feet (30') of an existing water main unless otherwise approved by the Director of Utilities.
11. No fence, gate, block wall, or other barrier shall be placed within the 30' public utility easement centered over the water main without written approval from the Utilities Department.
12. An ingress/egress easement for emergency access shall be provided to the satisfaction of the Fire Department. The easement shall be recorded concurrently with the vacation.
13. Gates restricting traffic across required access lanes shall be in accordance with Fire Code requirements.
14. Concurrent with the recordation of the Order of Vacation, retain a minimum 20-foot public sewer easement in favor of the City of Las Vegas centered on the existing City of Las Vegas public sewer main. Alternatively, provide a sewer relocation/abandonment plan acceptable to the Collection System Planning Section of the City of Las Vegas Department of the Public Works prior to the recordation of the Order of Vacation. If the easement alternative is requested, then no permanent structures or vegetation taller than three feet in height shall be allowed within the easement area. Additionally, maintain an all-weather drivable access over the entire width of the easement.

Chris Thompson, RCI Engineering, 3281 South Highland Drive, Las Vegas, NV 89109 appeared on behalf of the applicant indicating he concurred with Staff recommendation. He also stated he had done some research and could not find any documentation showing there was an access through the UPRR parcel adjacent to the proposed site and had not heard from the neighboring property regarding the access.

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

Chairman Leavitt closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

MOTION: Vice-Chairman Brown

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

Scott Sauer, 3305 East Rome Boulevard, North Las Vegas, NV wished the Commission and Staff a Merry Christmas and Happy New Year.

DIRECTOR'S BUSINESS

Planning and Zoning Director Frank Fiori informed the Commission there was a portion of Aliante that had not be rezoned and inquired if the Commission desired Staff to move forward with rezoning the property. Staff was directed to place the item on the January 13, 2010 Planning Commission Agenda.

Director Fiori thanked the Commission for their services and wished them a Happy Holiday.

CHAIRMAN'S BUSINESS

Chairman Dean Leavitt asked the status of the Title 17 re-write. Robert Eastman, Principal Planner explained Staff was in the process of reviewing Module 3, which should be sent to Clarion for revision by the end of December.

Chairman Leavitt wished everyone a Happy Holiday and Happy New Year.

Vice-Chairman Steve Brown thanked Staff for all of their work.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

APPROVED: January 13, 2010

/s/ Dean Leavitt
Dean Leavitt, Chairman

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