MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman Marilyn Kirkpatrick Dean Leavitt Laura E. Perkins 2200 Civic Center Drive North Las Vegas, NV 89030 (702) 633-1516 (702) 649-6091 Tom Langford, Vice Chairman Anita Wood Harry Shull

April 25, 2001

<u>CALL TO ORDER</u>: Council Chambers, North Las Vegas City Hall

2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL: Dean Leavitt - Present

Anita Wood - Present Tom Langford - Present Nelson Stone - Present Harry Shull - Present Laura Perkins - Present Marilyn Kirkpatrick - Present

STAFF PRESENT: Tom Bell, Development Services Director

Marc Jordan, Senior Planner Mary Aldava, Associate Planner Steve Casmus, Public Works

Charity Fechter, Transportation Services Steven DiGiovanni, Fire Department Jim Lewis, Deputy City Attorney Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE Commissioner Marilyn Kirkpatrick

ANNOUNCEMENTS: Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Karant verified that the Open Meeting Law

requirements (NRS 241) had been met.

The North Las Vegas Conference Room and Council Chambers are accessible to handicapped persons. A certified sign language

interpreter is available upon advance request.

CONSENT AGENDA

A) PW-41-01 (4174) ARROYO VISTA

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Celebrate Homes IX, LLC, and accept the Subdivision Bond in the amount of \$411,882.57.

B) PW-42-01 (4173) HIGHLAND HILLS UNIT 5

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res, LLC, and accept the Subdivision Bond in the amount of \$482,816.60.

C) PW-43-01 (4172) ELDORADO NO. 14 R1-60 NO. 9

Approve the amended final map to revise lot lines.

Vice-Chairman Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE Consent Agenda Item A with Commissioner Harry Shull abstaining.

The motion carried by MAJORITY vote with Commissioner Harry Shull abstaining.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE Consent Agenda Items B and C.

NEW BUSINESS

1) UN-36-01 (3976) EOB OF CLARK COUNTY (Public Hearing)

An application submitted by the Economic Opportunity Board of Clark County on behalf of Earl J. Dallas, et. al., property owner, for a use permit in an R-2 Two-Family Residential District to allow a single-family home. The property is located at 1617 Putnam Avenue. The Assessor's Parcel Number is 139-14-810-052.

RECOMMENDATION:

The Development Services Department recommends that UN-36-01 be approved subject to the following conditions.

1. Standard conditions number 2, 4, 6, 7, 11, 12, 15 and 27.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated staff is recommending approval subject to one condition.

Katherine Barnes, of the Economic Opportunity Board of Clark County (EOB), 2228 Comstock Drive, North Las Vegas, Nevada 89030 appeared on behalf of the applicant who stated she concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-36-01 per staff's recommendations.

2) UN-37-01 (3975) EOB OF CLARK COUNTY (Public Hearing)

An application submitted by the Economic Opportunity Board of Clark County on behalf of Earl J. Dallas, et. al., property owner, for a use permit in an R-2 Two-Family Residential District to allow three (3) single-family homes. The property is located at 1608 E. Carey Avenue. The Assessor's Parcel Number is 139-14-811-032.

RECOMMENDATION:

The Development Services Department recommends that UN-37-01 be approved subject to the following conditions.

- 1. Standard conditions number 1, 2, 4, 6, 11, 12, 15 and 27.
- 2. That a parcel map be recorded prior to the issuance of any building permits.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated staff is recommending approval with changes to the conditions listed. Condition #1: Delete Standard Condition #1 which requires a traffic study. Condition #2 to be deleted.

Katherine Barnes, of the Economic Opportunity Board of Clark County (EOB), 2228 Comstock Drive, North Las Vegas, Nevada 89030 appeared on behalf of the applicant who stated she concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Jim Lewis wanted to clarify, for the record, that Standard Condition #1 and Recommended Condition #2 were being deleted.

Ms. Aldava responded that is correct.

Commissioner Laura Perkins MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-37-01 per staff's recommendations subject to the following changes:

"Standard Condition #1 and Recommended Condition #2 deleted."

3) UN-38-01 (3979) EOB OF CLARK COUNTY (Public Hearing)

An application submitted by the Economic Opportunity Board of Clark County on behalf of Earl J. Dallas, et. al., property owner, for a use permit in an R-2 Two-Family Residential District to allow a single-family home. The property is located at 1620 E. Carey Avenue. The Assessor's Parcel Number is 139-14-811-030.

RECOMMENDATION:

The Development Services Department recommends that UN-38-01 be approved subject to the following conditions.

1. Standard conditions number 1, 2, 4, 6, 11, 12, 15 and 27.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated staff is recommending approval subject to one condition and the deletion of Standard Condition #1.

Katherine Barnes, of the Economic Opportunity Board of Clark County (EOB), 2228 Comstock Drive, North Las Vegas, Nevada 89030 appeared on behalf of the applicant who stated she concurs with staff's recommendations.

Commissioner Harry Shull asked the applicant what size these homes are.

Ms. Barnes replied they are between 1,300 and 1,400 square feet.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Vice-Chairman Tom Langford SECONDED to APPROVE UN-38-01 per staff's recommendations subject to the following change:

"Standard Condition #1 deleted."

4) UN-34-01 (3966) SPECTRUM (Public Hearing)

An application submitted by Sprint PCS on behalf of Cheyenne Marketplace, LLC, property owner, for a use permit in a Planned Unit Development (PUD) District, consisting of proposed Neighborhood Commercial, to allow a 65 foot cellular tower. The property is generally located at the northeast corner of Cheyenne Avenue and Martin Luther King Boulevard. The Assessor's Parcel Number is 139-09-801-002.

RECOMMENDATION:

The Development Services Department recommends that UN-34-01 be denied because the proposed tower is not desirable and may not be necessary at this location. Furthermore, this site is part of a PUD and requires a final development plan to be reviewed and approved by the Planning Commission prior to the issuance of any permits, including the proposed special use permit.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 7/25/01.

Chairman Nelson Stone opened the Public Hearing and stated the Public Hearing shall remain open until such time as this item is heard on 7/25/01.

Commissioner Laura Perkins MOVED and Commissioner Harry Shull SECONDED to CONTINUE UN-34-01 to 7/25/01 per applicant's request.

The motion carried by UNANIMOUS vote.

5) UN-32-01 (3961) LAND LUCKY (Public Hearing)

An application submitted by PBS & J on behalf of Lucky Land, LLC, property owner, for a use permit in an M-2 General Industrial District to allow a temporary office / warehouse facility. The property is located at 5390 Donovan Way. The Assessor's Parcel Numbers are 123-31-701-001 and 123-31-602-002.

RECOMMENDATION:

The Development Services Department recommends that UN-32-01 be denied because the applicant has not demonstrated that construction of a permanent facility to replace the temporary facilities is imminent.

If however, the Planning Commission were to determine that approval is warranted at this time, then staff recommends the following conditions:

- 1. Standard conditions number: 1, 2, 3, 7, 8, 10, 11, 12, 15, 26 and 27.
- 2. With the exception of the temporary buildings, the applicant shall comply with the Industrial Design Guidelines including, but not limited to providing 20 feet of landscaping between the perimeter wall and the Interstate 15 right-of-way.
- 3. All perimeter landscaping shall be installed prior to any use of the subject site.
- 4. Barricades shall be provided to prevent vehicles from driving or parking on undeveloped areas.
- 5. All areas intended for vehicle traffic (driving or parking) shall be paved with an asphalt or concrete surface.
- 6. All outdoor storage and manufacturing areas shall be screened from adjacent properties or rights-of-way by a solid masonry wall, a minimum of eight feet in height.
- 7. Approval for the temporary buildings shall expire on April 25, 2002, in which case the temporary buildings shall be removed, unless an extension of time is granted by the Planning Commission.
- 8. The temporary buildings shall be removed within 30 days following the issuance of a certificate of occupancy for the permanent facility.
- 9. An on-site fire hydrant will be required at the southeast end of the fire access land for fire protection coverage.
- 10. The fire access lane shall be constructed to access all buildings and work areas in accordance with the requirements of Ordinance 1283.
- 11. All Fire Department codes and ordinances in effect at the issuance of building plans shall apply.
- 12. No site plan approval by the Fire Department is implied.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this applicant is proposing to place approximately five (5) temporary buildings on this site and those buildings would be the type of buildings located around the valley, the William Scotsman-type buildings. He stated the applicant is proposing to use this site for storage of their equipment as well as outdoor manufacturing. Mr. Jordan stated the zoning ordinance contains provisions in which case temporary buildings can be considered by the Planning Commission. One of the condition is that a permanent facility to replace the temporary facility must be imminent.

He stated that since this ordinance was approved there have been four (4) applications presented to the Planning Commission for temporary buildings and out of those 4, three (3) of those applications had shown that a permanent facility was actually in the process of obtaining building permits. He stated that one of those applications had not demonstrated such, and that application was continued indefinitely until the applicant could demonstrate that a permanent facility was imminent. Mr. Jordan stated the applicant in that particular case has never appeared back before the Planning Commission. He stated that because the applicant before the Commission on UN-32-01 has not presented to staff or demonstrated when a permanent facility is imminent or will be built to replace the temporary facilities, staff is recommending denial of this application.

Michael P. Cuddy, of PBS&J, 901 N. Green Valley Parkway, Henderson, Nevada 89014 appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked Public Works if there is an estimated time of completion of the Southern Nevada Water Authority line going through that property.

Steve Casmus, of Public Works, stated the line is already constructed.

Commissioner Wood asked the applicant how long he expects the temporary building to be up.

Mr. Cuddy responded he expects the property to be as staff has requested within one year.

Commissioner Wood asked the applicant if building plans will be in place one year from now so the applicant does not need to return before the Planning Commission.

Mr. Cuddy replied that the owner is working on that.

Dick Dieleman, 5454 Arville Street, Las Vegas, Nevada 89118 appeared on behalf of the owner.

Commissioner Wood asked Mr. Dieleman if he is currently conducting business at this site.

Mr. Dieleman stated there is nothing currently going on at this site.

Commissioner Wood stated she has observed concrete barriers on the property.

Mr. Dieleman stated those barriers are being stored there.

Commissioner Wood advised Mr. Dieleman he is not permitted to store anything there until after these proceeding.

Mr. Dieleman replied that he is not a developer and is not aware of what he is allowed to do.

Commissioner Wood advised Mr. Dieleman that nothing should have been stored until he had his use permit therefore this is out of compliance. She also stated that because the barriers are so noticeable and because the property is close to I-15 and Losee Road some type of screening is necessary and chain link fence will not suffice.

Mr. Cuddy stated he is agreeing to all the screening on Donovan Way and the screening along I-15. He stated it is along the north property line that he is asking for the chain link fence for an interim period during the temporary use.

Mr. Jordan stated that there is much discussion here about the screening which is actually a different application and this application is for the temporary buildings.

Commissioner Wood stated she is concerned with how long there will be temporary buildings out there.

Mr. Cuddy stated the owner has one year per the allowance for a special use permit and may continue that for three (3) years at the discretion of the Planning Commission.

Commissioner Wood stated she does not want to go three years with temporary buildings.

Vice-Chairman Tom Langford stated the owner appears to have done business with the City of North Las Vegas and therefore should know the regulations and it does not appear that anyone considered the Regulations or ordinances of North Las Vegas.

Dave Aknello, 3960 Howard Hughes Parkway, Suite 620, Las Vegas, Nevada 89109 appeared on behalf of the applicant.

Chairman Stone asked Public Works since this is a use permit for temporary building would a drainage study be required.

Steve Casmus, of Public Works, stated the Public Works Department would require a drainage study for any type of civil improvements.

Vice-Chairman Tom Langford stated he believes that a continuance would be best and asked the applicant if he is willing to continue this item.

Commissioner Anita Wood stated she agrees with Vice-Chairman Langford regarding a continuance to allow the applicant time to submit his documentation to the Planning Department. She stated she is concerned that if there is a continuance the applicant will continue his operations without having an approval.

Chairman Stone stated if this item is to be continued, he will reopen the Public Hearing and will leave it open until such time this item is heard.

Vice-Chairman Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE UN-32-01 INDEFINITELY.

The motion carried by UNANIMOUS vote.

6) UN-31-01 (3962) LAND LUCKY (Public Hearing)

An application submitted by PBS & J on behalf of Lucky Land, LLC, property owner, for a use permit in an M-2 General Industrial District to allow the outdoor manufacture of precast concrete structures. The property is located at 5390 Donovan Way. The Assessor's Parcel Numbers are 123-31-701-001 and 123-31-602-002.

RECOMMENDATION:

The Development Services Department recommends that UN-31-01 be denied because the applicant has not demonstrated that construction of a permanent facility to replace the temporary facilities is imminent for the associated application and that application for temporary buildings is necessary for the operation of the outdoor manufacturing process.

If however, the Planning Commission determines that approval is warranted for the use permit to allow temporary buildings, then staff recommends the following conditions:

- 2. Standard conditions number: 8, 10, 11 and 12
- 3. The applicant shall comply with all conditions of approval for UN-32-01.
- 4. An on-site fire hydrant will be required at the southeast end of the fire access lane for fire protection coverage.
- 5. The fire access lane shall be constructed to access all buildings and work areas in accordance with the requirements of Ordinance 1283.
- 6. All Fire Department codes and ordinances in effect at the issuance of building plans shall apply.
- 7. No site plan approval by the Fire Department is implied.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item is related to the previous item (#5 UN-32-01) therefore the Planning Commission may wish to continue this item as was decided on the previous item.

Tom Bell, Development Services Director, stated that since these items are being continued indefinitely, the public will need to be re-notified.

Michael P. Cuddy, of PBS&J, 901 N. Green Valley Parkway, Henderson, Nevada 89014 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing and stated it shall remain open until such time as this item is heard.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-31-01 INDEFINITELY per staff's recommendations.

The motion carried by UNANIMOUS vote.

7) SPR-09-01 (3960) LAND LUCKY

An application submitted by PBS & J on behalf of Land Lucky, LLC, property owner for a site plan review in an M-2 General Industrial District for a waiver to the Industrial Development Standards allowing a chain link fence where a perimeter block wall is required. The property is located at 5390 Donovan Way. The Assessor's Parcel Numbers are 123-31-701-001 and 123-31-602-002.

RECOMMENDATION:

The Development Services Department recommends that SPR-09-01 be denied, because of the site's high visibility from Donovan Way and the Interstate 15 right-of-way from any direction and it would not be conducive to quality development.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the applicant is proposing outdoor manufacturing as well as storage. He stated in lieu of the required block wall screening for storage yards, the applicant is proposing the use of chain link fencing materials. Mr. Jordan stated because the site is highly visible from I-15 in either direction as well as from Donovan Way, staff is recommending denial of this item.

Michael P. Cuddy, of PBS&J, 901 N. Green Valley Parkway, Henderson, Nevada 89014 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE SPR-09-01 INDEFINITELY per staff's recommendations.

The motion carried by UNANIMOUS vote.

8) UN-40-01 (3972) NOBLE EQUIPMENT (Public Hearing)

An application submitted by Noble Equipment on behalf of BCMS, LLC, property owner, for a use permit in an M-2 General Industrial District to allow to storage of hazardous materials (an above-ground fuel tank with a 3,000 gallon capacity). The property is located at 2524 East Gowan Road. The Assessor's Parcel Number is 139-12-201-010.

RECOMMENDATION:

The Development Services Department recommends that UN-40-01 be approved subject to the following conditions:

- 1. That the applicant receive a Hazardous Materials permit from the State of Nevada.
- 2. That the storage tank be located a minimum of 15' from any property line.
- 3. That the tank be protected from vehicular damage by bollards installed in accordance with section 8001.11.3 of the Uniform Fire Code.
- 4. That UN-40-01 shall be considered valid only upon the obtainment of M-2 zoning for the entire subject site.
- 5. That the use permit is site specific and nontransferable.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 5/9/01.

Chairman Nelson Stone opened the Public Hearing and stated the Public Hearing shall remain open until such time as this item is heard on 5/9/01.

Vice-Chairman Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-40-01 to 5/9/01 per applicant's request.

The motion carried by UNANIMOUS vote.

9) SPR-11-01 (3970) NOBLE EQUIPMENT

An application submitted by Noble Equipment on behalf of BCMS LLC, property owner, for a site plan review in an M-2 General Industrial District for a waiver of the Industrial Design Standards to allow 10 feet of perimeter landscaping where 20 feet is required. The property is located at 2524 E. Gowan Road. The Assessor's Parcel Number is 139-12-201-010.

RECOMMENDATION:

The Development Services Department recommends that SPR-11-01 be approved for 10' of landscaping along Gowan Road, and that the waiver request for 10' of landscaping along Civic Center Drive be denied due to the applicants lack of a compelling argument to grant the requested waiver. Staff recommends the following conditions:

- 1. That an area of at least 10' in width from the property line be landscaped and maintained in accordance with Ordinance requirements along Gowan Road.
- 2. That the proposed development shall comply with the Industrial Design Standards, including but not limited to the following:
 - a. That an area of at least 20' in width from the property line be landscaped and maintained in accordance with ordinance requirements along Civic Center Drive.
- 3. That the approved waivers of SPR-11-01 shall be considered valid only upon the obtainment of M-2 zoning for the entire subject site.
- 4. That a landscape and irrigation plans shall be submitted within 90 days and shall be subject to review and approval by staff.
- 5. That SPR-11-01 shall be considered valid only upon the obtainment of M-2 zoning for the entire subject site.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 5/9/01.

Chairman Nelson Stone opened the Public Hearing and stated the Public Hearing shall remain open until such time as this item is heard on 5/9/01.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE SPR-11-01 to 5/9/01per applicant's request.

The motion carried by UNANIMOUS vote.

10) UN-33-01 (3963) MOBILE TECH FLEET SERVICE (Public Hearing)

An application submitted by Mobile Tech Fleet Service on behalf of Dinah Hafen, property owner, for a use permit in an M-2 General Industrial District to allow an automobile repair facility. The property is located at 3824 Losee Road #8. The Assessor's Parcel Number is 139-11-504-005.

RECOMMENDATION:

The Development Services Department recommends that UN-33-01 be continued in order for the concerns of the Fire Department and Public Works Department to be resolved.

However, if the Planning Commission should choose to act favorably upon this item at this time, staff recommends the following conditions:

- 1. Standard Conditions: 2, 3, 10, 11, 12, 15, 27 and 29
- 2. That the applicant receive a Hazardous Materials Permit from the State of Nevada.
- That the applicant must demonstrate the adequacy of the fire protection systems including but not 3. limited to sprinkler systems, access lanes and hydrant distribution.
- That all on-site repairs shall be performed within a building. 4.
- 5. That in no case shall a site plan be approved which exposes repair bays, unassembled vehicles, auto repair activities or auto parts to any street or residential property.
- That all vehicles awaiting repair shall be screened from view by a masonry wall. The design of such 6. wall shall be subject to review and approval by staff.
- 7. That all conditions mentioned herein be satisfied prior to the application of a business license.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated currently the site has an existing storage area with a chain link fence. According to the zoning ordinance this area would need to be screened by 100% opaque wall, as well as all repair activities would need to be conducted indoors. The Public Works Department has recommended this item be continued to allow the map to be revised to eliminate a side-lot drainage right-a-way between the subject site and an adjacent lot. He stated the Fire Department has concerns regarding the adequacy of the existing fire protection system within the building. Due to these concerns, staff is recommending a continuance to allow the applicant time to resolve these issues with the Public Works Department and the Fire Department.

Steve Hafen, 4965 N. Durango, Las Vegas, Nevada 89149 appeared on behalf of the applicant who stated on the Agenda he was listed as the owner, but he is not. He stated he is in the process of trying to lease a 1,500 square foot portion of a 3,000 square foot building at this site.

Chairman Nelson Stone suggested the applicant return with the owner and agreed with staff this item should be continued.

Chairman Stone opened the Public Hearing and stated it shall remain open until such time this item is heard.

Commissioner Anita Wood MOVED and Vice-Chairman Tom Langford SECONDED to CONTINUE UN-33-01 to the 5/9/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

14

Chairman Nelson Stone abstained from this item as his company has a business interest.

11) UN-39-01 (3980) SURFCITY LAS VEGAS (Public Hearing)

An application submitted by Ronald Schultz on behalf of Red Partners, LLC, property owner, for a use permit in a C-2 General Commercial District to allow the "on-sale" of alcoholic beverages in conjunction with a tavern and restaurant. The property is located at 1435 W. Craig Road, Unit #D. The Assessor's Parcel Number is 139-04-701-011.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval subject to conditions. He stated that Condition #3 staff is recommending this condition be deleted as this requires the applicant to provide proof that they they are more than 1,500 feet away from the nearest tavern. He stated because they meet the guidelines established in Title 5 and this is only a bar-type facility within the shopping center, they would be exempt from the distance requirement.

Ron Schultz, 1833 Arbor Verde Way, Las Vegas, Nevada 89119 appeared on behalf of the applicant.

Commissioner Anita Wood stated she likes the layout, but she is concerned about families with children sitting in the bar area while waiting to get their table for the restaurant.

Commissioner Marilyn Kirkpatrick stated she likes this plan, but would like to see some type of railing that separates the bar from the restaurant.

Vice-Chairman Tom Langford stated he is usually hard on taverns, but happens to like this particular layout. He stated he is pleased with this project and supports it.

Commissioner Harry Shull concurred Vice-Chairman Langford's comments.

Commissioner Dean Leavitt asked the applicant if he would consider some type of railing to further separate the restaurant from the bar.

Mr. Schultz replied he would be willing to do so.

Commissioner Anita Wood asked the applicant if it is his intent to maintain the ratio of 75% restaurant to 25% bar regarding expansion and any future development on this property. She asked the applicant if he would be willing to accept the 75/25 ratio as a condition of approval.

Mr. Schultz replied that he intends to maintain that ratio and would be willing to accept the 75/25 ratio as a condition.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Laura Perkins SECONDED to APPROVE UN-39-01 per staff's recommendations subject to the following changes:

"Condition #2C, 2D, 3 deleted."

"Any future expansions will maintain a 75%/25% ratio restaurant to bar."

The motion carried by MAJORITY vote with Chairman Nelson Stone abstaining.

Chairman Nelson Stone abstained from this item as his company has a business interest.

There was a break in the proceedings at 8:31 P.M. The meeting reconvened at 8:40 P.M.

12) UN-35-01 (3974) SMITH-GIBSON RENTALS (Public Hearing)

An application submitted by U.S.A. Decorator's Showroom on behalf of Gail F. Gibson, property owner, for a use permit in an M-2 General Industrial District to allow a retail furniture store. The property is located at 2741 Losee Road, Suite F-G. The Assessor's Parcel Number is 139-14-301-001.

RECOMMENDATION:

The Development Services Department recommends that UN-35-01 be denied because the applicant has not demonstrated that the proposed use is necessary or desirable at this location and because the proposed use is not consistent with the requirements outlined in the Zoning Ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the applicant is proposing to operate a furniture retail store at the subject site. Presently the property is developed, but essentially office warehouse buildings and has been developed for quite some time as an M-2 General Industrial Development. Mr. Jordan stated that not too long ago City Council approved an ordinance amendment to amend Title 17 to allow furniture stores as principally permitted uses in M-2 Districts, provided the development was designed according to the Commercial Design Standards. He stated this subject site does not meet that requirement. He also stated the subject site is in the middle of an industrial area and staff is recommending denial of this item because furniture stores have not been proven to be a necessary use to provide support services to that surrounding industrial area.

Annie Loh, 2741 N. Losee Road, North Las Vegas, Nevada 89030 appeared on behalf of the applicant along with Gail Gibson, 2741 N. Losee Road, North Las Vegas, Nevada 89030 as the owner of the property. Mr. Gibson stated when this building was built it was built to the industrial standards and it was built to the commercial standards. He stated he understands the code has changed now which makes it more rigid. He stated that this furniture store advertises in the newspaper and then has appointments with people who come in to pick up items they have purchased.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked Ms. Loh about the nature of her business, whether she advertises to decorators or to the public.

Ms. Loh stated she primary sells at a swap meet and her customers then come to her store to pick up the merchandise they have purchased at the swap meet.

Commissioner Harry Shull asked staff to clarify what requirements this applicant has not met.

Mr. Jordan stated the principally permitted uses in M-2 Zoning District allows furniture stores, provided the site has been developed with the Commercial Design Standards. He stated this site has not been, therefore it falls under the provisions of retail sales in M-2 District which requires approval of a special use permit.

Vice-Chairman Tom Langford asked the applicant to clarify that she is already in the building and just moving to another part of the building.

Ms. Loh stated she moved from Suite H to Suite G within the same building.

Commissioner Wood asked the applicant if she had a use permit in the previous suite she was in.

Ms. Loh stated she did not.

Commissioner Wood stated if her business is a retail furniture store then she is bring in many people from another area into this property, and when that is done the Commission wants the nicer look of a commercial building.

Jim Lewis, Deputy City Attorney, stated it sounds like the applicant will be doing some retail sales from this unit, and the applicant requested as much in her letter of intent that she be granted the special use permit for retail sales.

Mr. Gibson stated when a person comes to the store it is because they have already purchased merchandise and are coming to the store to pick up their merchandise.

Mr. Jordan stated if the applicant is simply warehousing her merchandise at this location that is a permitted use, but as soon as a customer comes to this location on Losee Road to look around or shop around, that becomes retail.

Mr. Lewis stated if this special use permit were approved the Commission would be approving a retail furniture store in an industrial area, which is at the discretion of the Planning Commission.

Chairman Stone asked staff if a period time may be placed on this to review it in a year.

Mr. Jordan stated the Planning Commission could have an annual review of this item.

Tom Bell, Development Services Director, stated that it would be helpful to know what the purpose of the annual review and whether or not the Planning Commission could revoke the permit, which would probably require the Commission to condition the use permit as a temporary thing and subject to annual review and/or revocation.

Commissioner Marilyn Kirkpatrick asked the applicant shy she is moving from one suite to the next.

Ms. Loh replied that she has too much furniture and needs more room, and space to wholesale.

Commissioner Harry Shull stated he may not be in agreement with allowing this use permit, but he likes the idea of being able to make it an annual review and making it revocable if it does not follow the plan.

Mr. Lewis stated he wanted to read out of the code book the specifics which the Commission may place on a special use permit, which would allow the Commission to discuss the specifics with regards to how they will condition the operations of this applicant's business. He read, "The Planning Commission in granting a special use permit may establish conditions under which a lot or parcel of land may be used, or a building constructed or altered, or make requirements as to the architecture, height of a building or structure, open spaces, parking areas or vehicle storage, and conditions of operations of any enterprise."

Commissioner Laura Perkins stated it appears it would be difficult to make a condition that would be quantifiable.

Vice-Chairman Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE UN-35-01.

The motion carried by MAJORITY vote with Chairman Nelson Stone, Commissioner Laura Perkins and Commissioner Marilyn Kirkpatrick voting against the motion.

13) T-863 (3447) ELDORADO TENTATIVE MAP NO. 17

An application submitted by G.C. Wallace, Inc. on behalf of Pardee Construction Company, property owner, for a tentative map review in an R-CL Residential Compact Lot District. The property is generally located at the southeast corner of Clayton Street and Deer Springs Way. The Assessor's Parcel Numbers are 124-21-301-005 and 124-21-301-003.

RECOMMENDATION:

The Development Services Department recommends that T-863 be continued indefinitely to allow the applicant time to formalize and receive approval of the development agreement for the 40-acre site at the southwest corner of Tropical Parkway and Clayton Street, which would include the final details of the park location and size, or to amend the revised tentative map to exclude the park. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-863 be denied.

Prior to the Planning Commission meeting, staff recommended this item be continued indefinitely to allow the applicant sufficient time to address some issues that needed attention. The applicant concurred staff's recommendation.

Chairman Nelson Stone opened the Public Hearing and stated the Public Hearing shall remain open until such time as this item is heard.

Vice-Chairman Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE T-863 INDEFINITELY per staff's recommendations.

The motion carried by UNANIMOUS vote.

14) SPR-10-01 (3969) SOUTHERN NEVADA PAVING

An application submitted by Southern Nevada Paving on behalf of the Meldrum Family Trust, property owner, for a site plan review in an M-2 General Industrial District for a waiver of the Industrial Design Standards to allow metal buildings where stone, stucco, concrete or masonry are required for exterior walls and finish materials. The applicant is also requesting a waiver of current landscaping requirements. The property is generally located at the northwest corner of Cheyenne Avenue and North 5th Street. The Assessor's Parcel Number is 139-10-802-001.

RECOMMENDATION:

The Development Services Department recommends SPR-10-01 be approved subject to the following conditions:

- 1. Standard conditions number: 11, 15, and 27.
- 2. The applicant shall comply with the Industrial Design Standards including but not limited to the following:
 - a. That perimeter landscaping shall include approved plant materials to provide a minimum ground coverage of 60% at maturity on the street side of the existing berm, and at the 5' wide landscape strip along the existing block wall.
 - b. That non-vegetative ground covers including, but not limited to, rocks and small stones, crushed rock, cinders, and bark shall cover the ground surface of the landscaped area on the street side of the existing berm, and at the 5' wide landscape strip along the existing block wall.
 - c. That perimeter landscaping on the street side of the existing berm, and at the 5' wide landscape strip along the existing block wall be sufficiently cleaned up and maintained.
 - d. That the portions of chain-link fence which exist on both sides of the driveway entrance be replaced with a CMU wall which matches the existing wall.
 - e. That the existing chain-link entrance gates be replaced with opaque steel gates.
- 3. A barrier shall be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be subject to staff review and approval.
- 4. That a landscape plan and irrigation plan shall be submitted prior to the issuance of a Certificate of Occupancy for the new building. Such plan shall be subject to review and approval by staff.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the applicant is proposing to construct a 15,000 square foot workshop in the center of the site, with part of that construction will involve a metal building and the applicant is requesting the metal building be allowed and a waiver from the Design Standards for the preferred materials. In addition, the applicant is asking for a waiver from the parking lot landscaping as well as the landscaping around the building. Mr. Jordan stated this proposed building is in the center of a large site that is presently screened by a large berm adjacent to Cheyenne Avenue and North 5th Street, and also a block wall adjacent to a portion of North 5th Street. He stated staff is recommending approval of this item subject to some conditions. Some of those conditions would enhance the landscaping within the area, remove a portion of a chain link fence and replace it with a block wall and to remove a chain link gate and replace it with an opaque steel fence to help screen the facility from view.

George Rogers, Architect, 2880 Meade Avenue, Suite 104, Las Vegas, Nevada 89102 appeared on behalf of the applicant who stated he understood that between the years 1991 and 1993 there was a use permit on this property and that use permit contained conditions of perimeter landscaping and he represented that the landscaping present on this site is exactly what the Planning Commission back in 1993 approved for that site. Mr. Rogers stated that at the entrance to the facility there is a chain link fence and a chain link gate. He stated he suggests instead of CMU wall filling in around the gate that they use wrought iron that might be 50% open. With regards to condition #3, he stated there is much equipment on the site and barriers on the 40 acre parcel would be difficult to deal with therefore he is asking for condition #3 to be deleted. Regarding condition #4, if landscaping irrigation plans are required for the shrubs he stated he would be happy to provide them.

Commissioner Anita Wood stated that conditions 2A, 2B and 2C are acceptable, and 2D and 2E the applicant is requesting wrought iron with 50% open. With regards to condition #3, she asked staff if it is basically a dust control issue.

Mr. Jordan stated undeveloped areas are required to be barricaded off to prevent vehicles from using them.

Commissioner Wood asked staff if there is a problem with the wrought iron.

Mr. Jordan replied that would be at the discretion of the Planning Commission.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE SPR-10-01 per staff's recommendations subject to the following change:

<u>Condition 2D Changed to Read</u>: "That the portions of chain-link fence which exist on both sides of the driveway entrance be replaced with wrought iron fence with increase landscaping subject to staff review and approval."

<u>Condition 2E Changed to Read</u>: "That the existing chain-link entrance gates be replaced with wrought iron gates."

OLD BUSINESS

Items #15, AMP-09-01 and #16, ZN-12-01 are related and will be heard together.

15) AMP-09-01 (3803) MLK PLAZA SENIOR APARTMENTS (Public Hearing)

An application submitted by Lucchesi Galati Architects on behalf of Clark County, property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Public/Semi-Public to HDR High Density Residential. The property is generally located at the northwest corner of Carey Avenue and Lexington Street. The Assessor's Parcel Number is 139-16-801-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-09-01 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-12-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 6/27/01.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated the applicant has requested this item be continued to the 5/23/01 Planning Commission meeting.

Craig Galati, of Lucchesi Galati Architects, 500 Pilot Road, Suite A, Las Vegas, Nevada 89119 appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

Mable Gray, 1308 Pontiac Avenue, North Las Vegas, Nevada 89030

Ms. Gray stated she opposes this project and has informed the applicant of her feeling regarding this project. She stated she does not want apartments in this area.

Kimberly Gray, 1308 Pontiac Avenue, North Las Vegas, Nevada 89030

Ms. Gray stated she opposes this project. She stated there are 22 houses on this street and feels apartments would increase the already congested traffic conditions in the neighborhood.

Barbara Stewart, 1204 Pontiac Avenue, North Las Vegas, Nevada 89030

Ms. Stewart stated she moved into this area April 20, 1969 and at that time had no idea apartments would ever be built in this area. She does not want apartments to go up in this area.

Aretha McGowan, 2404 Lexington Street, North Las Vegas, Nevada 89030

Ms. McGowan stated she is 76 years old and opposes this project.

James Perkins, 2420 Lexington Street, North Las Vegas, Nevada 89030

Mr. Perkins stated he opposes this project as he has experience with juveniles. He used to be a court officer and knows the juvenile system. He feels this new apartment complex would increase crime and traffic in the

John W. Anderson, 2428 Lexington Street, North Las Vegas, Nevada 89030

Mr. Anderson stated he opposes this project. He stated he has requested speed bumps to be placed in the neighborhood, but nothing has been done as of yet.

Peggy Davidson, 2412 Lexington Street, North Las Vegas, Nevada 89030

Ms. Davidson stated she is against this project as it will increase the crime and traffic in the neighborhood.

Andre Batiste, 2408 Lexington Street, North Las Vegas, Nevada 89030

Mr. Batiste stated he opposes this project as he believes it will increase the crime and traffic in this area.

Chairman Stone stated since this item is to be continued the Public Hearing shall remain open until such time as this item is heard before the Planning Commission in its entirety.

Mr. Galati stated this property is actually owned by Clark County and is being transferred through an RFP process to a joint venture between Catholic Charities of Southern Nevada (CCSN McFarland Housing Development Corp.) and NEVADA HAND. He stated if the partnership of CCSN and NEVADA HAND is unable to build senior housing, the transfer of property will not go through and ownership will revert back to Clark County.

Chairman Stone asked Mr. Galati how long he will need to incorporate his comments into the new plan.

Ms. Aldava stated the applicant has indicated he would like to continue this item to the second Planning Commission meeting in May, which would be May 23, 2001.

Chairman Stone asked Mr. Galati if that would be enough time for him.

Vice-Chairman Tom Langford stated he appreciates the residents coming out and speaking on this item. He feels the way Catholic Charities is handling this is terrible. He stated he agrees with the residents that this apartment complex does not belong in this area. He does not believe this is a good place to build a senior citizen project and he opposes this item.

Commissioner Anita Wood stated if there is to be a continuance she would like to see there be ample time taken so that the next time the applicant appears before the Commission will be the last.

Marc Jordan, Senior Planner, stated the applicant is talking about making revisions to their plans which staff has not seen yet. He stated that the 5/23/01 Planning Commission Agenda is currently being worked on and therefore if the applicant submits revised plans within the next week there may not be sufficient time for staff to review those plans adequately prior to the 5/23/01 Planning Commission meeting. Mr. Jordan suggested a longer continuance to allow staff sufficient time to review the revised plans. In addition, Mr. Jordan stated that residents who were present earlier in this meeting had already left with the understanding that this item is to be continued to the 5/23/01 Planning Commission meeting, therefore the residents will need to be notified of the new continuance date.

Chairman Nelson Stone MOVED and Commissioner Harry Shull SECONDED to CONTINUE AMP-09-01 to 6/27/01 and that the applicant has offered to pay renotification costs for that hearing.

The item was CONTINUED to 6/27/01.

Items #15, AMP-09-01 and #16, ZN-12-01 are related and will be heard together.

16) ZN-12-01 (3806) MLK PLAZA SENIOR APARTMENTS (Public Hearing)

An application submitted by Lucchesi Galati Architects, Inc. on behalf of Clark County, property owner, for reclassification of property from a C-1 Neighborhood Commercial District to an R-3 Multi-Family Residential District. The property is generally located at the northwest corner of Carey Avenue and Lexington Street. The Assessor's Parcel Number is 139-16-801-005.

RECOMMENDATION:

The Development Services Department recommends that AMP-09-01 be denied as the subject site does not comply with the guidelines established in the Comprehensive Plan and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-12-01 be denied as the rezoning is not justified by changed or changing conditions since the adoption of the Comprehensive Plan in June of 1999.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 5/23/01.

Marc Jordan, Senior Planner, stated since this item is related to Item #15 AMP-09-01 it should be continued to the 6/27/01 Planning Commission meeting along with Item #15.

Chairman Nelson Stone opened the Public Hearing. He stated all comments made on Item #15, AMP-09-01 are to be incorporated into this item as they are related. He further stated that the Public Hearing shall remain open until such time as this item is heard in its entirety.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-12-01 to 6/27/01 and that the applicant has offered to pay renotification costs for that hearing.

The motion carried by UNANIMOUS vote.

The item was CONTINUED to 6/27/01.

17) UN-19-01 (3800) IGLESIA EVANGELICA AMIGOS (Public Hearing)

An application submitted by Iglesia Evangelica Amigos on behalf of Juliana De Peralta, property owner, for a use permit in an R-E Ranch Estates District to allow a church. The property is generally located at the southeast corner of Simmons Street and San Miguel Avenue. The Assessor's Parcel Number is 139-05-801-001.

RECOMMENDATION:

The Development Services Department recommends that UN-19-01 be approved subject to the following conditions.

- 1. Standard conditions 1, 2, 3, 6, 7, 8, 10, 11, 12, 15, 26, and 27.
- 2. The development shall comply with the Commercial Development Design Standards including but not limited to the following:
 - a. Sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping.
 - b. A minimum six-foot-wide landscaped island shall be provided for every 15 parking spaces contained in a row and at the ends of every row.
- Fire Department access lanes shall be provided in accordance with the requirements outlined in Ordinance 1283.
- 4. The development shall comply with all Fire Department Codes and Ordinances in effect at the time building plans are submitted for review.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated staff is recommending approval subject to conditions.

Jaime De La Vega, 6944 Erin Circle, Las Vegas, Nevada 89145 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Vice-Chairman Tom Langford MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-19-01 per staff's recommendations.

Items #18 UN-26-01, #19 UN-29-01, and #20 UN-30-01 are related.

18) UN-26-01 (3909) LOSEE MINI MART (Public Hearing)

An application submitted by Thomas J. DellaValle on behalf of Losee, LLC, property owner, for a use permit in a C-1 Neighborhood Commercial District to allow a drive-through automobile washing establishment. The property is located at 300 W. Lake Mead Boulevard. The Assessor's Parcel Numbers are 139-22-203-001 and 139-22-203-002.

RECOMMENDATION:

The Development Services Department recommends that UN-26-01 be continued indefinitely to allow the applicant time to redesign the subject site, in accordance with all applicable City Codes and Ordinances. If the applicant is unable or unwilling to continue this item, the Development Services Department recommends that UN-26-01 be denied because the site's design is not consistent with regulations and conditions specified in the Zoning Ordinance for such use.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that Items #18 UN-26-01, #19 UN-29-01, and #20 UN-30-01 are related. He stated the applicant submitted revised site plans late in the day yesterday on 4/24/01 and staff has not yet had an opportunity to review those revised site plans and set conditions therefore staff is recommending the Planning Commission open the Public Hearing and leave it open to continue this item to the 5/9/01 Planning Commission meeting.

Bill Curran, of Curran and Perry, 601 S. Rancho Drive, Las Vegas, Nevada 89120 appeared on behalf of the applicant.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

► Ed Hayes, 2029 Bengal Street, North Las Vegas, Nevada 89030

Mr. Haves stated he is in favor of this project.

Chairman Stone stated the Public Hearing shall remain open until such time this item is presented to the Planning Commission in its entirety.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to CONTINUE UN-26-01 to 5/9/01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Items #18 UN-26-01, #19 UN-29-01, and #20 UN-30-01 are related.

19) UN-29-01 (3910) LOSEE MINI MART (Public Hearing)

An application submitted by Thomas J. DellaValle on behalf of Losee, LLC, property owner, for a use permit in a C-1 Neighborhood Commercial District to allow an automobile service facility (smog certification facility). The property is located at 300 W. Lake Mead Boulevard. The Assessor's Parcel Numbers are 139-22-203-001 and 139-22-203-002.

RECOMMENDATION:

The Development Services Department recommends that UN-29-01 be continued indefinitely to allow the applicant time to redesign the subject site, in accordance with all applicable City Codes and Ordinances. If the applicant is unable or unwilling to continue this item, the Development Services Department recommends that UN-29-01 be denied because the site's design is not consistent with regulations and conditions specified in the Zoning Ordinance for such use.

Chairman Nelson Stone opened the Public Hearing and stated all comments heard on Item #18 UN-26-01 shall apply to this item as they are related. He stated the Public Hearing shall remain open until such time this item is presented to the Planning Commission in its entirety.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-29-01 to 5/9/01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Items #18 UN-26-01, #19 UN-29-01, and #20 UN-30-01 are related.

20) UN-30-01 (3911) LOSEE MINI MART (Public Hearing)

An application submitted by Thomas J. Della Valle on behalf of Losee, LLC, property owner, for a use permit in a C-1 Neighborhood Commercial District to allow a convenience food restaurant with drive-through in conjunction with a convenience food restaurant with drive-through. The property is located at 300 W. Lake Mead Boulevard. The Assessor's Parcel Numbers are 139-22-203-001 and 139-22-203-002.

RECOMMENDATION:

The Development Services Department recommends that UN-30-01 be continued indefinitely to allow the applicant time to redesign the subject site, in accordance with all applicable City Codes and Ordinances. If the applicant is unable or unwilling to continue this item, the Development Services Department recommends that UN-30-01 be denied because the site's design is not consistent with regulations and conditions specified in the Zoning Ordinance for such use.

Chairman Nelson Stone opened the Public Hearing and stated all comments heard on Item #18 UN-26-01 shall apply to this item as they are related. He stated the Public Hearing shall remain open until such time this item is presented to the Planning Commission in its entirety.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to CONTINUE UN-30-01 to 5/9/01per staff's recommendations.

The motion carried by UNANIMOUS vote.

PUBLIC FORUM	
This is the portion of the meeting devoted to the public. After completing and submitting a blue card, the public is invited to come forward upon recognition by the Chairman and speak upon any topic. Usually items received under this heading are referred to the appropriate City staff for action at a later date.	
No members of the public came forward.	
DIRECTOR'S BUSINESS:	None
CHAIRMAN'S BUSINESS:	None
ADJOURNMENT:	10:10 P.M.
A motion to ADJOURN the April 25, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Chairman Nelson Stone. Commissioner Anita Wood SECONDED the motion.	
	Nelson Stone, Chairman
ATTEST:	
Ted Karant, Recording Secretary	