

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

February 28, 2001

CALL TO ORDER:

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
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Bob Hoyes, 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 Laura Perkins

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.

MINUTES

Approval of the minutes for the Planning Commission meeting of February 14, 2001.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to APPROVE the minutes of the February 14, 2001 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

A) PW-04-01 (3809) TIERRA DE LAS PALMAS VILLAGE 6 UNIT 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify United States Fidelity and Guaranty Co. to release the Subdivision Bond in the amount of \$339,455.05.

B) PW-05-01 (3810) TIERRA DE LAS PALMAS VILLAGE 6 UNIT 2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify United States Fidelity and Guaranty Co. to release the Subdivision Bond in the amount of \$246,787.81.

C) PW-06-01 (3811) TIERRA DE LAS PALMAS VILLAGE 6 UNIT 3

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify St. Paul Fire and Marine Insurance Company to release the Subdivision Bond in the amount of \$192,935.00.

D) PW-07-01 (3812) LAS PALMERAS 2-1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Safeco Insurance Company of America to release the Subdivision Bond in the amount of \$461,710.00.

C) PW-08-01 (3813) LAS PALMERAS 2-2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Safeco Insurance Company of America to release the Subdivision Bond in the amount of \$210,295.53.

D) PW-09-01 (3814) STARWOOD UNIT 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Developers Insurance Company to release the Subdivision Bond in the amount of \$173,843.00.

E) PW-10-01 (3815) VICTORY 2-3

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify The American Insurance Company to release the Off-site Improvements Bond in the amount of \$693,720.50.

F) PW-11-01 (3816) PECOS INDUSTRIAL PARK 2 (PIC 2)

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Insurance Company of the West to release the Off-site Improvements Bond in the amount of \$57,105.40.

G) PW-12-01 (3817) NORTH LAS VEGAS DISTRIBUTION CENTER

Accept the Commercial Developments Off-Site Improvements Agreement by The Dresher Corporation and accept the Performance Bond in the amount of \$711,699.46.

H) PW-13-01 (3818) VICTORY OVATIONS II

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Greystone Nevada, LLC and accept the Subdivision Bond in the amount of \$807,485.69.

I) PW-14-01 (3819) SUNFLOWER UNIT 3

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Sunflower Estates, LLC and accept the Letter of Credit in the amount of \$147,908.21.

J) PW-15-01 (3820) SEVENTH DAY ADVENTIST SPANISH CHURCH

Accept the Commercial Developments Off-Site Improvements Agreement by Nevada-Utah Conference dba: Las Vegas Spanish Church and accept the Performance Bond in the amount of \$122,441.22.

K) PW-16-01 (3821) LOSEE ROAD HALF STREET IMPROVEMENTS

Accept the Commercial Developments Off-Site Improvements Agreement by Thompson Industrial Center, LLC, and accept the Off-Site Improvement Bond in the amount of \$72,962.00

L) RN/21-49-01 (3658) DEEDS OF DEDICATION

An application submitted by the City of North Las Vegas on behalf of various property owners for deeds of dedication and easements.

Item K of the Consent Agenda is WITHDRAWN. Vice-Chairman Tom Langford MOVED and Commissioner Harry Shull SECONDED to accept the Agenda and to WITHDRAW Cosent Agenda Item K.

The motion carried by UNANIMOUS vote.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE Consent Agenda Items A through L, with Item K being withdrawn.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) UN-10-01 (3618) FREIGHTLINER (Public Hearing)

An application submitted by Las Vegas Freightliner on behalf of Redgate Truck Group, property owner, for a use permit in an M-2 General Industrial District to allow a pylon sign eighty (80) feet in height where sixty (60) feet is the maximum height allowed. The property is located at 3701 Freightliner Drive. The Assessor's Parcel Number is 139-01-502-005.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that approximately one year ago a new ordinance was passed allowing signs for businesses within 1,500 feet of the Craig Road Interchange to be sixty (60) feet in height, where the maximum allowed height in an M-2 District would be 45 feet. He stated the applicant is proposing two signs. One would be an LED sign and currently the zoning ordinance does not contain any provision to allow such a sign. Mr. Jordan stated that staff is recommending denial of the approval of this use permit.

Brian Chapman, 5551 Crestlock Drive, Las Vegas, Nevada 89113 appeared on behalf of the applicant who stated he does not concur with staff's recommendations. He stated that his company is part of DaimlerChrysler Corporation and Freightliner. Mr. Chapman stated he feels the sign needs to be eighty (80) feet as the business is located very close to the Craig Road Interchange. Mr. Chapman stated that the additional height is necessary for truckers traveling on the freeway to see the sign and be able to exit the freeway to the business. He displayed some photographs of nearby businesses and stated that their signs are higher than sixty (60) feet. He stated that his intent is to get the sign above the I-15 Interchange so that the truck traffic can exit, in time, and if not, their next exit is Speedway Boulevard, which is an extra 10-11 miles out of their way, which may result in the loss of their business.

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

Vice-Chairman Tom Langford asked the applicant about the height of the "Pilot" sign nearby.

Mr. Chapman replied that businesses nearby have signs as high as 75 feet.

Commissioner Anita Wood asked the applicant what his intentions are regarding the LED sign.

Mr. Chapman stated he has decided not to use the LED sign.

Commissioner Wood stated the Planning Commission did, in fact, allow CAT an additional height for their sign. She stated, however, if the Commissioner gives variances to everyone who asks for one, the Commission would appear to be nulifying the ordinance of sixty (60) feet.

Mr. Chapman stated he understands Commissioner Wood's concern. He stated that this area is a transportation corridor which the core business is interstate traffic. Mr. Chapman further stated that his main concern was the loss of business due to the next exit (Speedway Blvd) and the safety regarding a trucker exiting once they see his company's logo.

Commissioner Wood asked the applicant if he has submitted evidence to staff supporting his reasoning that if the sign were anything less than eighty (80) feet it would not be visible by passing traffic.

Mr. Chapman replied that he has not, however he based his reasoning on the signs of the nearby businesses which are higher than the sixty (60) foot maximum.

Vice-Chairman Tom Langford stated when the CAT business was before the Commission, he voted against the additional height for the CAT sign. He stated, however, that when he travels on I-15 it is difficult to see the sign. He stated though the ordinance is for a maximum of sixty (60) feet, he feels that passing traffic should be able to see the sign easily. He also stated that perhaps the ordinance needs to be reconsidered as well as the provision regarding the LED signs, as he stated that if someone goes downtown Las Vegas all they see is LED. He supports approval of this application.

Vice-Chairman Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-10-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

Prior to the presentation of the next item, Chairman Nelson Stone recognized the City's new Assistant City Manager, Gregory E. Rose as a member of the audience and welcomed him to Planning Commission meeting.

Mr. Rose thanked the Chairman and stated that he plans to attend the Planning Commission meeting for next few months to get more familiar with the activities of the Planning Commission.

2) UN-16-98 (3624) SAINT JOHN NEUMANN CHURCH (Public Hearing)

An application submitted by the Roman Catholic Bishop of Las Vegas, property owner, for an extension of time on a use permit in an R-1 Single-Family Residential District and to allow an expansion to a church. The property is generally located at the southwest corner of Red Coach Avenue and Simmons Street. The Assessor's Parcel Number is 139-05-203-001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this applicant originally asked for a five (5) year extension on time in their letter of intent, however the applicant has met with staff and is only asking for a three (3) year extension of time. He stated staff is supporting this request, however all the conditions of approval that are listed in the original staff report which was supplied to the Commission have been amended. The applicant submitted a letter to staff requesting some modifications. He stated the applicant has met with staff and staff has written the conditions in a new memorandum which has been submitted to the Commission, with some rewording of those conditions compared to what the applicant submitted to staff. Mr. Jordan stated staff is recommending approval of this item.

Ernest Freggiaro, 4588 Coachman Circle, Las Vegas, Nevada 89119 appeared on behalf of the applicant and stated that he has reviewed the revised conditions presented by staff and thanked staff for their effort. He stated that the Building Department, Planning Department, and Public Works Department worked very competently and professionally with him. He asked for clarification of Item #1 which he said stated: "Applicant shall comply with all applicable conditions of the previous approval of March 11, 1998."

Mr. Jordan stated that the condition now reads: "The applicant shall comply with all applicable conditions of the previous approval of March 11, 1998 with the exception that a partial map will not be required."

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

Commissioner Anita Wood stated that she drove by the property and feels they are in desperate need of expanding. She asked the applicant if this will be the permanent location.

Mr. Freggiaro stated that a larger parcel in the same area will be needed.

Commissioner Wood asked staff if the applicant will be required to put in parking or landscaping?

Mr. Jordan stated that landscaping is already part of the approval. He stated that they also have parking that currently exceeds the parking requirements. He stated that condition #8 requires the applicant to provide a barrier to prevent automobiles from parking on an unpaved surface.

Commissioner Wood asked staff what is the applicant going to do with the overflow of cars?

Mr. Jordan stated that the City's current requirements are one parking space for every four seats in the main assembly hall.

Commissioner Harry Shull MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-16-98 per staff's recommendations with modification on condition #1 with the exception of the partial map provision. The amended condition shall read:

Condition #1 Changed to Read: "The applicant shall comply with all applicable conditions of the previous approval of March 11, 1998, with the exception that a parcel map will not be required."

The motion carried by UNANIMOUS vote.

3) UN-86-00 (2990) CHURCH OF GOD (Public Hearing)

An application submitted by Iglesia de Dios, property owner, for a use permit in an R-1 Single-Family Residential District to allow an expansion of an existing church. The property is located at 2540 Belmont Street. The Assessor's Parcel Numbers are 139-13-810-001 and 139-13-811-005, 139-13-811-006 and 139-13-811-001.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated that he met with the applicant prior to tonight's Planning Commission meeting and informed him that staff will be adding one condition. The new condition, #19, would read: **"that the existing on-site mobile home, east of the church be removed prior to the issuance of any building permits."** He stated staff is recommending approval with conditions.

Humberto Escobar, 1722 Lewis Avenue, Las Vegas, Nevada appeared on behalf of the applicant who indicated he concurs with staff's recommendations.

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

- ▶ Cecil Vernon, 3028 Haddock Avenue, North Las Vegas, Nevada 89030

Mr. Vernon stated he is concerned about the parking congestion at the church. He also stated that the church has extremely loud music which is played early in the morning and is very disturbing.

- ▶ Ross Fowler, 3029 Haddock Avenue, North Las Vegas, Nevada 89030

Mr. Fowler stated he has lived in his house for over 10 years. He stated that the music coming from the church is very loud and annoying.

The Public Hearing was closed.

Chairman Nelson Stone asked the applicant if he wished to respond to the concerns voiced by Mr. Vernon and Mr. Fowler.

Mr. Escobar stated that he disagrees with the noise being too loud. He stated that the windows in the church do not open. He also stated that the church only plays music from 6:00–6:30 (he did not specify AM or PM).

Chairman Stone asked staff if the noise issue is a Public Response issue rather than a Planning Commission issue.

Steve Baxter, Planning Manager, stated that any excessive noise complaints would be police issues.

Commissioner Anita Wood stated that she believes there is a variance issue as well as apparently some waiver issues that are involved in this item. She suggested a continuance to get all these issues on the same agenda for them to be considered together. She also suggested that the applicant meet with his neighbors to discuss their concerns regarding the church's operations.

Bob Hoyes, Associate Planner, stated that, as written in the staff report, the Commission can approve the special use permit tonight. He stated the applicant has filed for a variance with respect to the setback adjacent to Belmont Street. Mr. Hoyes stated that as far as the recommendation and the way the conditions are written, if the applicant was willing to comply with those conditions and the Planning Commission was willing to grant his approval subject to those conditions, the applicant could file for a building permit tomorrow.

Commissioner Wood stated that usually when referring to use permits, they are being tied to a site plan. She asked staff if the applicant's site plan shows the waiver and variance, is the Commission locking themselves into granting those issues without having an application?

Mr. Hoyes stated that he believes it is clear and also believes that the applicant is aware that by this approval there is no implication that a variance will be granted, therefore he believes this is not laying the groundwork for the Planning Commission to have to approve a variance. He stated this is simply recommending approval for an expansion of the church.

Chairman Stone stated he is concerned about the noise and the adverse impact on the neighbors. He suggested that Commission place a time limitation to revisit this issue and hear it again in six months.

Mr. Hoyes replied that the Commission could revisit this in a year, if it so desired.

Jim Lewis, Deputy City Attorney, stated that the Commission can place reasonable conditions on the applicant such as revisiting it with the applicant in six months, or one year. He stated that the Commission could place a reasonable condition on the applicant with regards to hours of music.

Vice-Chairman Tom Langford stated he is concerned about the noise complaints. He stated that Mr. Vernon earlier stated that the church plays loud music early in the morning. He said the applicant stated earlier that the church plays music from 6:00–6:30, but did not specify AM or PM and asked the applicant to specify.

Mr. Escobar replied that the music is played between 6:00PM and 6:30PM. He stated that the church has insulation in the walls and he does not understand why the neighbors are complaining about the music.

Vice-Chairman Langford stated that he agrees with Commissioner Wood that this item should be continued.

Chairman Stone stated that when he thinks of church music, he thinks of an organ and a congregation singing. He asked if this music is tape-recorded music on loudspeakers.

Mr. Escobar stated it is tape-recorded.

Chairman Stone stated he believes that is what the neighbors are complaining about and he, too, is concerned about that.

Chairman Stone asked Cecil Vernon and Ross Fowler to come back to the podium as he had some questions for them.

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

- ▶ Cecil Vernon, 3028 Haddock Avenue, North Las Vegas, Nevada 89030
- ▶ Ross Fowler, 3029 Haddock Avenue, North Las Vegas, Nevada 89030

Chairman Stone first asked Mr. Vernon to describe the nature and character of the music and what time of day he generally hears it, whether it was one time or is it a regular event.

Mr. Vernon stated the music starts on Saturday, when weather permits, before 8:00AM and it is loud music on amplifiers. He stated that he has asked the church several times to turn the music down. The music is turned down, and once he leaves, the volume goes back up. He stated that the music goes on all day on, is very loud, and annoying.

Mr. Fowler stated that he agrees with Mr. Vernon. He said the music coming from the church is so loud that it vibrates the windows in his house.

Commissioner Wood stated to the applicant that the proposed expansion is moving the building closer to the residents. She believes that the applicant should meet with the neighboring residents to reach compromises. She is concerned about approving a use permit with the concerns the church's neighbors have raised.

Mr. Hoyes stated that the Planning Commission can list as a condition that all activities shall be contained within the building.

Commissioner Marilyn Kirkpatrick asked the residents if they have called the Police Department and/or the city's Code Enforcement division to complain.

Mr. Vernon stated that he has called the police several times, however was told by the police that this is a low priority call and they will send someone out when possible.

Mr. Fowler stated that he, too, has called the police several times. He stated that the police have come out and advised the church to turn the music down, which they did. He stated that soon after the police left, the music was right back up to the loud volume.

Commissioner Laura Perkins stated that she agrees with Commissioner Wood. She stated that usually when a church is before the Planning Commission may people appear in support of the church. She is disturbed that this church has neighbors that do not want this church next to them. She believes a continuance would be in order to allow the applicant an opportunity to meet with the neighbors.

Chairman Stone asked Mr. Escobar what his relationship is to the applicant. He stated that he is concerned about the Pastor of the church not being present and he supports a continuance in order to have the Pastor appear before the Planning Commission.

Mr. Escobar replied that he is a member of the church's congregation.

Commissioner Dean Leavitt asked the applicant if he is aware of any attempt by the Pastor to meet with the church's neighbors to discuss the possible expansion or any other issues concerning either side.

Mr. Escobar stated he believes the Pastor spoke with the neighbors and attempted to reach a compromise.

Commissioner Leavitt stated that he is in favor of a continuance to allow the Pastor, who is the actual applicant, to appear before the Planning Commission.

Commissioner Kirkpatrick asked the applicant what time the church's services are held.

Mr. Escobar stated at 7:00PM on Monday, 7:00PM on Wednesday, 10:00AM to 12:00PM on Sunday, and 7:00PM to 9:00PM on Sundays.

Chairman Stone stated that if the Planning Commission desired to continue the item, he will need to leave the Public Hearing open.

Jim Lewis, Deputy City Attorney, suggested the Commission asked the applicant if he concurs with a continuance as normally a continuance only takes place with the applicant agrees to do so.

Chairman Stone asked the applicant if he has a problem with continuing this item, or if he prefers a vote tonight.

Mr. Escobar stated he is in agreement with a continuance.

Chairman Stone stated he would like to see the Pastor appear before the Commission.

Bob Hoyes stated that the church's application for a variance is scheduled for April 11, 2001.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Anita Wood SECONDED to CONTINUE UN-86-00.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 4/11/01.

4) ZN-07-01 (3616) LA MADRE SENIOR APARTMENTS (Public Hearing)

An application submitted by Fore Property Company on behalf of FSDRH Trust, property owner, for reclassification of property from an R-E Ranch Estates District to a Planned Unit Development District (PUD) consisting of a 108-unit single-story senior housing development. The property is generally located at the southwest corner of North Fifth Street and La Madre Way. The Assessor's Parcel Numbers are 124-34-803-001 and 124-34-803-002.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the Comprehensive Plan for this area is low density residential. He stated that presently there is a resolution of intent on this property for R-1 zoning. He stated the applicant is proposing a senior complex that would range from approximately 18 single-story buildings, each building would contain six (6) dwelling units and twelve of the buildings would consist of two (2) bedroom dwelling units and the remaining six (6) would consist of one (1) bedroom dwelling units. Mr. Jordan stated that currently the Comprehensive Plan does contain provisions in which a senior complex could be developed in a low density residential area, provided the development does not exceed eleven (11) units to the acre, single-story, 17 percent of landscaping and few other requirements. He stated staff is recommending approval of this item. He also stated that with a Planned Unit Development the applicant is required to come back to the Planning Commission with a final development plan and therefore there are conditions in here that recommend in concept approval is being implied, however when the applicant returns to the Planning Commission they are required to show compliance with all the requirements outlined in the Comprehensive Plan, as well as comply with the Multi-Family Design Guidelines.

Helen Foley, of Fore Properties, 515 S. 7th Street, Las Vegas, Nevada, 89101 appeared on behalf of the applicant, along with Deepak Sulakhe, the Development Director for Fore Properties, 2764 Lake Sahara Drive, Suite 111, Las Vegas, Nevada 89117. She stated that she is very proud of the senior project that is coming to North Las Vegas. She stated this is 108 units, all single-story. There will be 36 one-bedroom apartments at approximately 625 square feet and 72 two-bedroom apartments at 725 square feet. There will be 18 single story buildings, each with six (6) units per building. She stated the applicant plans on having a courtesy van that will provide transportation to recreational activities, shopping and other outings. There will also be program services that will include education, exercise, counseling, estate planning, limited social services and health and recreational activities. There will be a clubhouse community facility that will include a residential center, multi-purpose room, fitness center, a game room and a computer center. She stated that she is pleased she was able to comply with the density requirements of 10.96 units per acre and strongly recommends the Commission's approval.

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

- ▶ Jeff Bade, 4940 Goldfield Street, North Las Vegas, Nevada 89130

Mr. Bade stated he opposes this project as he feels it will reduce his property value and increase traffic.

Chairman Stone closed the Public Hearing.

Commissioner Harry Shull stated he does not believe this development will have an impact on the community. He does not believe it will hurt property values. He stated that it is common to hear concerns that the schools will become overcrowded with new developments. This development will not impact the schools at all and believes these are good neighbors to have. He knows personally that property values will not be impacted and therefore is in favor of staff's recommendation on this for approval.

Vice-Chairman Tom Langford stated he is concerned about senior citizen projects and parking issues. He referred back to the applicant's statement that there will be a courtesy van and he does not believe that is enough to serve the needs of the seniors that will be living in this complex.

Helen Foley stated that there is adequate parking that satisfies staff's requirements and there will be one covered parking spot for every person. In addition, she stated there will be a van, but this is not a convalescent center. This is for 55+. She feels that these residents will be active and the van will be there as a courtesy to the residents. She stated that Fore Properties has done other similar projects around the valley and have been extremely successful.

Commissioner Wood asked the applicant if they were going to have the required covered parking that is going to be disbursed in a way that makes it easily accessible to all of the units, as well as if this is going to be a gated community.

Ms. Foley replied that the parking requirements will be met and the residents will be able to park very close to their units. She also stated that this will in fact be a gated community.

Vice-Chairman Tom Langford asked the applicant about the security they propose for the seniors who will be residents there.

Ms. Foley stated that there will be management on staff throughout the day and if there were problems they would be able to call the police. She also stated that, as brought up by Commissioner Wood, the applicant is required to appear before the Planning Commission again for the final plans which is part of the PUD requirement which will show the ingress/egress and all of the issues dealing with landscaping. With regards to landscaping, she believes that this project will greatly enhance this neighborhood as there is very little landscaping in front of the homes located in the area.

Commissioner Laura Perkins asked staff what "close proximity" referred to in item "I" of the staff report.

Steve Baxter, Planning Manager, stated that the exact distance is not specified, however "close proximity" would mean within a couple of miles.

Chairman Stone reopened the Public Hearing. The following participant came forward:

- ▶ Emily Lopez, 200 E. Lone Mountain Road, North Las Vegas, Nevada 89031
- ▶ Louis Lopez, 200 E. Lone Mountain Road, North Las Vegas, Nevada 89031

Mrs. Lopez stated she opposes this project as she feels there will be too much traffic in the area with this new development. Louis Lopez also stated that this development will increase traffic in the area and reduce property values. Mr. Lopez stated that they used to have rabbits, squirrels, chipmunks, quails, and the traffic began to increase which affected these surroundings.

Chairman Stone closed the Public Hearing.

Commissioner Kirkpatrick asked the applicant when she anticipates it being ready to open.

Ms. Foley stated she anticipates the project opening in the summer of 2002.

Commissioner Shull stated that we are now living in the fastest growing state in the U.S. and progress will bring about change.

Commissioner Harry Shull MOVED and Vice-Chairman Tom Langford SECONDED to APPROVE ZN-07-01 per staff's recommendations.

The motion carried by MAJORITY vote with Commissioner Laura Perkins voting against the motion.

**There was a break in the proceedings at 8:23 p.m.
The meeting reconvened at 8:36 p.m.**

5) ZN-22-99 (3615) SIMMONS MARKETPLACE (Public Hearing)

An application submitted by Ronald Winchell on behalf of Winchell Family Trust, property owner, for the elimination of condition #30 on a previously approved Resolution of Intent (ROI #2139) requiring that the major "anchor tenant" building be constructed prior to construction of any pad development. The property is generally located at the southwest corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-32-102-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this applicant states that it is their experience that major anchors typically like to see the pad developments developed first, however it has been staff's experience that major anchors typically like to go in and develop the property prior to any pad development. He stated that according to the City's Commercial Design Guidelines shopping centers are supposed to have a shared architectural theme and typically staff prefers to see all the pad developments share the major anchor as the theme and not the reverse of that, therefore staff is not recommending approval of this item and is recommending that the condition remain as is.

Barry Smith, of Marathon Commercial, 3052 Whispering Crest Drive, Henderson, Nevada 89052 appeared on behalf of the applicant who stated he does not agree with staff's recommendations.

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

Commissioner Laura Perkins stated that she believes this is an excellent project, however she prefers to see an anchor tenant in first.

Commissioner Perkins asked Jim Lewis, Deputy City Attorney, what would be the implication of an up-front cash bond?

Jim Lewis, Deputy City Attorney, stated that the Planning Commission needs to decide whether or not it is comfortable with the applicant develop pads before the anchor tenant. He stated that whether or not the City has a bond, cash, or some other means of securing some tenant, they really can't do anything to force someone to come in to the marketplace. He said if the Commission deletes the condition, enforcement of some type of compromise may be difficult to attain.

Chairman Stone stated that he does not agree with accepting a cash bond from a developer to modify a condition as he feels it may have the appearance of impropriety.

Commissioner Marilyn Kirkpatrick asked the applicant what other anchor tenants may be suitable for this project.

Mr. Smith stated he would like to see Raley's supermarket go in at this location.

Commissioner Harry Shull stated that he believes an anchor tenant will come in as he is familiar with the area.

Commissioner Wood stated that she does not have a problem with this project being developed in phases, however she is concerned about setting a precedent for doing this and moving away from the anchor tenant.

Commissioner Marilyn Kirkpatrick asked Jim Lewis about leases and what the consequences are to a tenant who breaches a lease to the developer.

Jim Lewis asked the applicant how long their leases are generally.

Mr. Smith replied that they have a 20-year lease with 6-five year options.

Mr. Lewis stated that if a tenant were to just pack up and move out it would be very costly to the tenant to do so. Breaching a lease would place the developer in a position that they would not otherwise have to be in.

Commissioner Harry Shull **MOVED** and Commissioner Dean Leavitt **SECONDED** to **APPROVE** ZN-22-99 per staff's recommendations.

THE MOTION TO APPROVE FAILED. Commissioners Marilyn Kirkpatrick, Anita Wood, Chairman Nelson Stone and Vice-Chairman Tom Langford voted against the motion.

Commissioner Harry Shull abstained from this item due to a conflict of interest.

6) FWD-01-01 (3559) NORTH MEADOWS UNIT 2 & 3

An application submitted by Celebrate Homes, Inc., property owner, for a fence wall deviation in an R-1 Single-Family Residential District to allow multiple wall heights over 8 feet high where 8 feet is the maximum height allowed. The property is generally located at the northwest corner of Alexander Road and Revere Street. The Assessor's Parcel Number is 139-04-801-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval of this item subject to conditions.

Tom Barns, 9356 Buckhaven Drive, Las Vegas, Nevada 89117 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Commissioner Laura Perkins MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE FWD-01-01 per staff's recommendations.

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

7) SPR-02-01 (3549) RENTAL SERVICE CORPORATION

An application submitted by Rental Service Corporation on behalf of Hal Ousley, property owner, for a site plan review in an M-2 General Industrial District to allow an alternate screening. The Assessor's Parcel Number is 139-14-101-008.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the applicant is proposing to install a twelve (12) foot high chain link fence with barbed wire in lieu of the required eight (8) foot high opaque screen wall. He stated the applicant currently leasing the property and is using it for storage for light and small equipment-type vehicles. Mr. Jordan stated the property is located between Freightliner truck and Dryer's Ice Cream to the north. Approaching the property from the south is screened by the existing use (trucks) and from the north is screened by the landscaping Dryer's Ice Cream has installed. The property behind it to the west is currently vacant and the next nearest street would be North 5th Street and from Losee Road you could see inside the storage yard. He stated staff is recommending approval of this item with some conditions. One of those conditions would be that six (6) feet of landscaping be installed inside of the wrought iron fence and that area be landscaped and therefore provide a landscaping screen and that the gate would be enclosed with some solid metal to help screen the property.

Jay Carlin, 9480 Fisher Avenue, Las Vegas, Nevada 89149 appeared on behalf of the applicant who stated he would like to delete condition #2 and alter condition #3.

Chairman Nelson Stone asked staff if they stand by their recommendations.

Mr. Jordan stated that it is up to the discretion of the Planning Commission, however if the Commission decided to amend that condition, staff would recommend that the last sentence be amended to read: material subject to review and approval by staff.

Chairman Nelson Stone stated he is not in favor of reducing the landscaping.

Commissioner Marilyn Kirkpatrick and Commissioner Harry Shull agreed with Chairman Stone.

Commissioner Anita Wood MOVED and Commissioner Harry Shull SECONDED to APPROVE SPR-02-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

8) T-865 (3620) WASHBURN & CAMINO AL NORTE

An application submitted by Kaufman & Broad on behalf of Renaldo Tiberti and the Shearing Family Trust, Steven P. Shearing, Trustee, property owners, for a tentative map review in an R-1 Single-Family Residential District. The property is generally located at the northwest corner of Washburn Road and Camino Al Norte. The Assessor's Parcel Numbers are 124-33-601-001, 124-33-601-002, 124-33-601-004, 124-33-601-006, 124-33-601-007 and 124-33-601-008.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff recommends this item be continued indefinitely to allow the applicant time to submit a revised tentative map that will address the items staff has indicated in the analysis section of the staff report. He stated that some of those items have been addressed by the Public Works Department and he believes the applicant has met with the Public Works Department and a revised memorandum has been submitted to staff recommending approval, however there are still concerns regarding perimeter landscaping particularly next to Camino Al Norte. He stated there are also concerns about a portion of this site that has been excluded from the tentative map (displayed on the overhead screen). He stated that it appears the applicant is holding this property for commercial development and the Comprehensive Plan does not support commercial development in this area and therefore staff would prefer to see this tentative map continued to be revised to incorporate that area into the subdivision. Likewise, there is also concern about landscaping adjacent to the corner lots within the subdivision. Mr. Jordan stated that may be a minor issue, however the ordinance currently requires ten (10) feet of landscaping which may include the sidewalks on streets less than sixty (60) feet in width. Staff is recommending this item be continued indefinitely for the applicant to submit a revised tentative map. He stated the applicant is required to concur with this otherwise the tentative map is deemed approved and therefore if the applicant does not concur staff would need to recommend this item be denied.

Mark Jones, of Southwest Engineering, 3610 N. Rancho, Las Vegas, Nevada 89130 appeared on behalf of the applicant. He stated this is not a discussion on the commercial zoning. He said he is present to discuss the merits of the R-1 Subdivision Tentative Map. Mr. Jones stated that two years ago staff asked for and received from his client fifty (50) feet of right-of-way. In addition, he stated his client participated in an SID which paid for all of Camino Al Norte in front of their property with some subsidation by the Regional Transportation Commission (RTC). He stated he is providing twenty (20) feet of landscaping including sidewalk with this development. The existing curb and gutter is at fifty (50) feet and has been designed and built. Mr. Jones stated that he has met with staff numerous times since October to discuss this project. He stated that it was first in zoning and he provided a site plan at that time, and stated that staff did not want to review it. It was the R-1 zoning that was requested and granted.

Chairman Nelson Stone stated to Mr. Jones that the Commission has received "proceed with caution" signs from staff on this item.

Commissioner Anita Wood stated that she advised the applicant the last time he appeared before the Commission on this item that when the Commission sees a tentative map the Commission would also need to see it with an application including the commercial at the same time. She stated she feels very strongly about it.

Commissioner Harry Shull MOVED and Commissioner Nelson Stone SECONDED to APPROVE T-865 subject to staff's recommendations with the deletion of condition #4 on the revised conditions.

The MOTION TO APPROVE FAILED. Commissioners Marilyn Kirkpatrick, Anita Wood, Dean Leavitt, Laura Perkins and Vice-Chairman Tom Langford voted against the motion.

9) FDP-02-01 (3622) TIMBERS TAVERN

An application submitted by THG, Inc. on behalf of Crest THG, LLC, property owner, for a Final Development Plan review in a C-1 Neighborhood Commercial District. The property is generally located on the north side of Ann Road approximately 300 feet east of Simmons Street. The Assessor's Parcel Number is 124-29-801-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that the Planning Commission not too long ago approved a special use permit for this item and as a condition of approval they were required to present to the Commission a final development plan. He stated the applicant upon originally filing this showed his site and building that originally incorporated T-111 siding into the design of the Timbers Bar with seamed metal roofing materials. At that time staff, upon reviewing this item as well as with some concerns of the Public Works Department, recommended an indefinite continuance of this item to allow the applicant to submit revised plans. He stated the applicant has met with staff and submitted revised plans. As a result of that, staff is recommending approval of this item with conditions.

Bob Gronauer, of KKB&R, 3800 Howard Hughes Parkway, 7th floor, Las Vegas, Nevada 89109 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE FDP-02-01 per staff's recommendations subject to the following added condition:

Condition #13 Added to Read: "The applicant shall schedule a meeting with the Police Department/Crime Prevention Division for a security review."

The motion carried by UNANIMOUS vote.

10) SPR-04-01 (3617) VACUUM HEAVEN

An application submitted by Harvey Foutz, property owner, for a site plan review in an M-2 General Industrial District to allow a waiver of the "Industrial Development Standards" landscaping requirements. The property is generally located west of Third Street approximately 408 feet north of Cheyenne Avenue. The Assessor's Parcel Number is 139-10-410-045.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated this subdivision was recorded in 1929. There is no infrastructure or real development anywhere within this subdivision as well as no paved access or utilities. Mr. Hoyes stated to the applicant that even if the Planning Commission approves a waiver or deferment of landscaping requirement he would still be required to provide half-street improvements in front of the property and a minimum of 32 feet of paved access which would also require the applicant to obtain an encroachment permit from the Nevada Department of Transportation to cut the curb on Cheyenne.

Harvey Foutz, 4301 Lorna Place, Las Vegas, Nevada 89107 appeared on behalf of the applicant who stated that he is asking for a continuance until such time that more development comes in to help offset the costs he will be facing.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to DENY SPR-04-01 and deny the request for the waiver.

The motion carried by UNANIMOUS vote.

11) SPR-44-00 (3235) IMAGE CRAFTERS

An application submitted by Image Crafters/Serpentine on behalf of the M.F.Goldojarb B. Survivor Trust, property owner, for a site plan review in an M-2 General Industrial District to allow for alternate screening. The Assessor's Parcel Number is 139-11-801-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this application was originally scheduled for the January 10, 2001 Planning Commission meeting and was continued to allow the applicant time to meet with staff and to allow staff to go out and walk to property with the applicant and determine what screen was required. At that time it was scheduled for the February 14, 2001 Planning Commission meeting. The applicant requested this item to be continued for an additional two weeks to this meeting tonight. He stated staff did go out and walked the site and as a result staff is still recommending the screening as originally recommended and deny the request for alternate screening and provide the eight (8) foot high masonry wall along the property lines where storage items are viewed from neighboring properties and rights-of-way, except for the areas where there may be an adjacent building abutting the property.

Bob Gronauer, of KKB&R, 3800 Howard Hughes Parkway, 7th floor, Las Vegas, Nevada 89109 appeared on behalf of the applicant.

Commissioner Laura Perkins stated that she does not care for this alternate screening.

Vice-Chairman Tom Langford stated that he does not approve of the vinyl as alternate screening.

Chairman Anita Wood stated that she agrees with the views of the other Commissioners.

Commissioner Anita Wood MOVED and Commissioner Laura Perkins SECONDED to DENY SPR-44-00 per 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: Commissioner Anita Wood stated that she would like an inquiry made with regards to sign height along Interstate 15 and LED lighting policy. Commissioner Anita Wood MOTIONED to have staff look into changing the ordinance and Commissioner Marilyn Kirkpatrick SECONDED the motion.

CHAIRMAN'S BUSINESS: None

ADJOURNMENT: 10:40 PM

A motion to ADJOURN the February 28, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Dean Leavitt. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary