

Mayor Carolyn G. Goodman (At-Large)  
Mayor Pro-Tem Michele Fiore (Ward 6)  
Councilman Brian Knudsen (Ward 1)  
Councilwoman Victoria Seaman (Ward 2)  
Councilwoman Olivia Diaz (Ward 3)  
Councilman Stavros S. Anthony (Ward 4)  
Councilman Cedric Crear (Ward 5)



Commissioner Louis De Salvio, Chair  
Commissioner Trinity Haven Schlottman, Vice Chair  
Commissioner Sam Cherry  
Commissioner Donna Toussaint  
Commissioner Anthony Williams  
Commissioner Jeff Rogan  
Commissioner Sigal Chattah

## Planning Commission Minutes

Council Chambers - 495 South Main Street - Phone 229-6011  
City of Las Vegas Internet Address: [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)

**February 11, 2020**  
**6:00 PM**

### BUSINESS ITEMS:

1. Call to Order

Minutes:

CHAIR DE SALVIO called the meeting to order at 6:00 p.m.

2. Announcement: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Roll Call

Minutes:

PRESENT: CHAIR DE SALVIO and COMMISSIONERS SCHLOTTMAN, CHERRY, TOUSSAINT, WILLIAMS, CHATTAH and ROGAN

Also Present: ROBERT SUMMERFIELD, Planning Director, PETER LOWENSTEIN, Deputy Planning Director, ERIC McCAMMOND, Senior Management Analyst, ALEX STRAWSER, Planner I, LUCIEN PAET, Engineering Project Manager, DEPUTY FIRE CHIEF ROBERT NOLAN, BRYAN SCOTT, Assistant City Attorney, DEBRA A. OUTLAND, Deputy City Clerk and CHEYENNE LaRANCE, Deputy City Clerk

4. Public Comment during this portion of the Agenda must be limited to matters on the Agenda for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

5. For Possible Action to Approve the Final Minutes for the Planning Commission Meeting of January 14, 2020.

Motion made by Trinity Haven Schlottman to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

6. For Possible Action - Any Items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time.

Minutes:

JENNIFER GAYNOR, Law Firm of Dickinson Wright, appeared on behalf of Walmart Stores, Inc. for Item 36. She stated they were requesting to hold this item in abeyance for 30 days following discussions with COUNCILWOMAN DIAZ'S office who would like more time to conduct due diligence.

ERIC McCAMMOND, Sr. Management Analyst, stated the applicant for Items 25-27 requested an abeyance to the March 10, 2020 Planning Commission meeting. He noted this is the second abeyance request for Item 25 and the first abeyance request for Items 26 and 27.

Motion made by Trinity Haven Schlottman to Hold in Abeyance Items 25-27 and 36 to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

### **ONE MOTION - ONE VOTE**

The following are items that may be considered in one motion/one vote. They are considered routine non-public and public hearing items. All public hearings and non-public hearings will be opened at one time. Any person representing an application or a member of the public or a member of the Planning Commission not in agreement with the conditions and all standard conditions for the application recommended by staff, should request to have that item removed from this part of the agenda.

7. ABEYANCE - SUP-77904 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NEVADA STATE HIGH SCHOOL - OWNER: TENAYA VILLAGE, LLC - For possible action on a request for a Special Use Permit FOR A PUBLIC SCHOOL, SECONDARY USE at 7240 West Azure Drive, Suite #110 (APN 125-27-113-007), T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use Designation], Ward 6 (Fiore) [PRJ-77779]. Staff recommends APPROVAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open for Items 7-20.

ERIC McCAMMOND, Sr. Management Analyst, stated the applicant for Items 9 and 10 was proposing added conditions which he read into the record. JOHN VORNSAND appeared representing the applications for Items 9 and 10 stating he was standing in for LUCY STEWART, LAS Consulting, and that they were in agreement with the recommendations. PETER LOWENSTEIN, Deputy Planning Director, asked that he agree to the added conditions to which MR. VORNSAND acknowledged their agreement to the added conditions as read by staff.

See Item 8 for related backup.

CHAIR DE SALVIO declared the Public Hearing closed for Items 7-20.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

NOTE: The video does not reflect the vote accurately in that COMMISSIONER CHERRY abstained from voting on Items 9 and 10 because his family is in the cannabis industry. He also disclosed that he lives within the notification area of Item 14 and has an interest in a parcel within the notification area of Item 15, but this would not affect him any greater or lesser and he would be voting on these items. COMMISSIONER SCHLOTTMAN abstained from voting on Item 15 as he is under contract with this particular project. With regard to Items 9 and 10, he also disclosed that he has built several marijuana cultivation and production facilities in the past but has no relation to this application and has voted on such in the past and would vote on these items at this meeting.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

8. ABEYANCE - SDR-77922 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-77904 - PUBLIC HEARING - APPLICANT: NEVADA STATE HIGH SCHOOL - OWNER: TENAYA VILLAGE, LLC - For possible action on a request for a Site Development Plan Review FOR A 1,409 SQUARE-FOOT PUBLIC SCHOOL, SECONDARY WITHIN AN EXISTING BUILDING on 6.29 acres at 7240 West Azure Drive, Suite #110 (APN 125-27-113-007), T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use Designation], Ward 6 (Fiore) [PRJ-77779]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

9. SUP-78061 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOULEVARD MEDICAL, LLC - OWNER: G-E 714, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,053 SQUARE-FOOT MARIJUANA CULTIVATION FACILITY USE at 714 South 1st Street (APN 139-34-310-015), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz) [PRJ-78011]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 10 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None and adding the following condition as read for the record:

A. If the proposed use has two violations from the City of Las Vegas within one calendar year the use may be required to cease and the Special Use Permit may be revoked at a separate public hearing.

NOTE: The video does not reflect the vote accurately in that COMMISSIONER CHERRY abstained from voting on Items 9 and 10 because his family is in the cannabis industry. He also disclosed that he lives within the notification area of Item 14 and has an interest in a parcel within the notification area of Item 15, but this would not affect him any greater or lesser and he would be voting on these items. COMMISSIONER SCHLOTTMAN abstained from voting on Item 15 as he is under contract with this particular project. With regard to Items 9 and 10, he also disclosed that he has built several marijuana cultivation and production facilities in the past but has no relation to this application and has voted on such in the past and would vote on these items at this meeting.

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan; Abstain-Sam Cherry;

10. SUP-78062 - SPECIAL USE PERMIT RELATED TO SUP-78061 - PUBLIC HEARING - APPLICANT: BOULEVARD MEDICAL, LLC - OWNER: G-E 714, LLC - For possible action on a request for a Special Use Permit FOR A 2,319 SQUARE-FOOT MARIJUANA PRODUCTION FACILITY at 714 South 1st Street (APN 139-34-310-015), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz) [PRJ-78011]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 9 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None and adding the following condition as read for the record:

A. If the proposed use has two violations from the City of Las Vegas within one calendar year the use may be required to cease and the Special Use Permit may be revoked at a separate public hearing.

NOTE: The video does not reflect the vote accurately in that COMMISSIONER CHERRY abstained from voting on Items 9 and 10 because his family is in the cannabis industry. He also disclosed that he lives within the notification area of Item 14 and has an interest in a parcel within the notification area of Item 15, but this would not affect him any greater or lesser and he would be voting on these items. COMMISSIONER SCHLOTTMAN

abstained from voting on Item 15 as he is under contract with this particular project. With regard to Items 9 and 10, he also disclosed that he has built several marijuana cultivation and production facilities in the past but has no relation to this application and has voted on such in the past and would vote on these items at this meeting.

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan; Abstain-Sam Cherry;

11. SUP-78107 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: QC FINANCIAL SERVICES, INC - OWNER: MBSB NV-TX HOLDINGS, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 1,160 SQUARE-FOOT AUTO TITLE LOAN USE WITHIN AN EXISTING FINANCIAL INSTITUTION, SPECIFIED USE WITH WAIVERS TO ALLOW AN EIGHT-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED, TO ALLOW A 1,160 SQUARE-FOOT TENANT SPACE DEDICATED TO THE USE WHERE 1,500 SQUARE-FEET IS REQUIRED AND TO ALLOW WINDOW SIGNAGE THAT DOES NOT COMPLY WITH TITLE 19.12 STANDARDS at 3149 North Rancho Drive, Suite D (APN 138-13-511-002), C-2 (General Commercial), Ward 5 (Crear) [PRJ-78045]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

12. SUP-78109 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: QC FINANCIAL SERVICES, INC - OWNER: RIBAUDO FAMILY TRUST - For possible action on a request for a Special Use Permit FOR A PROPOSED 1,170 SQUARE-FOOT AUTO TITLE LOAN USE WITHIN AN EXISTING FINANCIAL INSTITUTION, SPECIFIED USE WITH WAIVERS TO ALLOW A 130-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED, TO ALLOW A 1,170 SQUARE-FOOT TENANT SPACE DEDICATED TO THE USE WHERE 1,500 SQUARE-FEET IS REQUIRED AND TO ALLOW WINDOW SIGNAGE THAT DOES NOT COMPLY WITH TITLE 19.12 STANDARDS at 1942 East Sahara, Suite A (APN 162-02-811-116), C-1 (Limited Commercial), Ward 3 (Diaz) [PRJ-78046]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

13. SUP-78080 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: QUICKY'S CONVENIENCE CENTER - OWNER: LKY, INC - For possible action on a request for a Special Use Permit FOR AN EXISTING 1,365 SQUARE-FOOT CAR WASH, FULL SERVICE OR AUTO DETAILING USE at 4400 North Jones Boulevard (APN 138-01-212-009), C-1 (Limited Commercial) Zone, Ward 4 (Anthony) [PRJ-78057]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

14. SUP-78135 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: DOWNTOWN SANCHEZ, LLC - For possible action on a request for a Special Use Permit FOR A 1,235 SQUARE-FOOT TAVERN-LIMITED ESTABLISHMENT USE WITH 3,880 SQUARE FEET OF OUTDOOR SEATING AREA at 623 South 4th Street (APN 139-34-311-138), C-1 (Limited Commercial) Zone under resolution of intent to C-2 (General Commercial), Ward 3 (Diaz) [PRJ-78123]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

NOTE: The video does not reflect the vote accurately in that COMMISSIONER CHERRY abstained from voting on Items 9 and 10 because his family is in the cannabis industry. He also disclosed that he lives within the notification area of Item 14 and has an interest in a parcel within the notification area of Item 15, but this would not affect him any greater or lesser and he would be voting on these items. COMMISSIONER SCHLOTTMAN abstained from voting on Item 15 as he is under contract with this particular project. With regard to Items 9 and 10, he also disclosed that he has built several marijuana cultivation and production facilities in the past but has no relation to this application and has voted on such in the past and would vote on these items at this meeting.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

15. SUP-78140 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: EDUARDO CORDOVA - OWNER: LAS VEGAS ARTS DISTRICT DEVELOPMENT, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 2,587 SQUARE-FOOT TAVERN-LIMITED ESTABLISHMENT USE WITH 1,500 SQUARE FEET OF OUTDOOR SEATING at 1017 South 1st Street, Suite #180 (APN 139-33-811-029), C-2 (General Commercial) Zone, Ward 3 (Diaz) [PRJ-78120]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

NOTE: The video does not reflect the vote accurately in that COMMISSIONER CHERRY abstained from voting on Items 9 and 10 because his family is in the cannabis industry. He also disclosed that he lives within the notification area of Item 14 and has an interest in a parcel within the notification area of Item 15, but this would not affect him any greater or lesser and he would be voting on these items. COMMISSIONER SCHLOTTMAN abstained from voting on Item 15 as he is under contract with this particular project. With regard to Items 9 and 10, he also disclosed that he has built several marijuana cultivation and production facilities in the past but has no relation to this application and has voted on such in the past and would vote on these items at this meeting.

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Donna Toussaint, Jeff Rogan; Abstain-Trinity Haven Schlottman;

16. SUP-78144 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: GAS STATION LOT, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 2,450 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE WITH A WAIVER TO ALLOW A 343-FOOT DISTANCE SEPARATION FROM A CITY PARK WHERE 400 FEET IS REQUIRED at 2051 East Sahara Avenue (APN 162-02-811-209), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-78126]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

17. SDR-78068 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: VOLUNTEERS OF AMERICA NATIONAL SERVICES - OWNER: LAS VEGAS VOA ELDERLY HOUSING, INC. - For possible action on a request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 43-UNIT BUILDING ADDITION TO AN EXISTING 75-UNIT SENIOR CITIZEN APARTMENTS DEVELOPMENT WITH A WAIVER TO ALLOW A 65-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 69 FEET IS REQUIRED on 4.87 acres at 4445 Diamond Head Drive (APN 140-32-103-002), R-3 (Medium Density Residential), Ward 3 (Diaz) [PRJ-77830]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 18 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

18. TMP-78069 - TENTATIVE MAP RELATED TO SDR-78068 - DESERT OASIS II - PUBLIC HEARING - APPLICANT: VOLUNTEERS OF AMERICA NATIONAL SERVICES - OWNER: LAS VEGAS VOA ELDERLY HOUSING, INC. - For possible action on a request for a Tentative Map FOR A PROPOSED TWO-UNIT CONDOMINIUM SUBDIVISION on 4.87 acres at 4445 Diamond Head Drive (APN 140-32-103-002), R-3 (Medium Density Residential), Ward 3 (Diaz) [PRJ-77830]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 17 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

19. VAC-78128 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: SECTION 12, LLC - For possible action on a request for a Petition to Vacate Public Drainage Easements and Sewer Easements generally located at the northwest corner of W Skye Canyon Park Drive and Skye Village Road (APN 126-12-501-004), Ward 6 (Fiore) [PRJ-78078]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 20 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

20. TMP-78129 - TENTATIVE MAP RELATED TO VAC-78128 - PUBLIC HEARING - SKYE CANYON 2.08 & 2.09 - APPLICANT/OWNER: SECTION 12, LLC - For possible action on a request for a Tentative Map FOR A 164-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 30.04 acres at the northwest corner of W Skye Canyon Park Drive and Skye Village Road (APN 126-12-501-004), T-D (Traditional Development) Zone [ML (Medium Low) Skye Canyon Special Land Use Designation], Ward 6 (Fiore) [PRJ-78078]. Staff recommends APPROVAL.

Minutes:

See Item 7 for related discussion and Item 19 for related backup.

Motion made by Trinity Haven Schlottman to Approve the One Motion One Vote Agenda subject to condition(s) except Item(s) None

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

### **PUBLIC HEARING ITEMS**

21. ABEYANCE - VAR-78088 - VARIANCE - PUBLIC HEARING - APPLICANT: MARIOS MARKET - OWNER: JOHNSON FAMILY TRUST II - For possible action on a request for a Variance TO ALLOW A ROOF SIGN, WALL SIGNS AND MARQUEE SIGNS TO COVER 100 PERCENT OF THE BUILDING ELEVATION WHERE 20 IS THE MAXIMUM ALLOWED; AND TO ALLOW A NINE-FOOT TALL ROOF SIGN WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED on 2.11 acres at 1960 North Martin L. King Boulevard and 1425 Lake Mead Boulevard (APNs 139-21-701-009 and 010), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-77553]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open for Items 21-24.

ERIC McCAMMOND, Sr. Management Analyst, reported staff found no evidence of a unique or extraordinary circumstance to support the requested Variance. The project does not meet Conditional Use regulations for the Open Air Vending/Transient Sales Lot use as the applicant proposes to operate past 8:00 p.m. and will be located zero feet from a residentially-zoned lot. Additionally, the structure is temporary in nature as demonstrated by the need for a temporary power pole and for employees to escort customers to a market in order to utilize restroom facilities. Staff found the existing remote kitchen/open air vendor to be appropriate for temporary use and not as a permanent structure open for business on a regular basis. As such, staff recommended denial of all applications. MR. McCAMMOND also read into the record an added condition the applicant proposed related to Item 23.

LORA DREJA, Brown, Brown and Premsrirut, and MARIO BERLANGA, applicant, were present. MS. DREJA stated this is a two-part application required to keep an ancillary kitchen with an LED roof sign within the parking lot of MR. BERLANGA'S grocery store. She described his establishment as one of the few full grocery stores on the west side with produce and a butcher shop with cuts of meat that are difficult to find elsewhere. It stood as part of the fabric of the historical west side for 60 years, 25 of which MR. BERLANGA has presided over. It also has a separate package liquor area and a cafeteria-style food counter, which is the most active part of the business. He serves southern food such as okra, cobbler, hush puppies and catfish, which he is known for. She noted over the weekend the counter had over 1,400 receipts and at times, is the reason for keeping the store open late at night and the reason why they are requesting the remote serving space.

MS. DREJA noted the reason this request cannot be processed administratively is because of a church that is considered an adjacent residential use by code, and is therefore an encumbrance requiring this public hearing. She stated they obtained 15 signatures of support from residents on the three nearest streets, which were submitted for the record. She also noted this request would not add any more light than the seven franchised drive-throughs at the same intersection. These residents have been patrons of Mario's for several decades, and as a result, he has adjusted his inventory to their tastes, including a lot of Creole products brought in from elsewhere in the country. She mentioned the symbolic relationship and loyalty to Mario's due to the loss of many grocery stores in various neighborhoods.

Regarding the signage and referencing the staff report, MS. DREJA stated they agree that the murals and photos on the structure in combination with the LED sign is excessive and have agreed to match the existing roadside elevations to the existing buildings with no signage. The LED sign meets the 200-foot residential separation and will not only advertise the food service, but will also serve as a way to notify neighbors of on-site community events, such as the Metro Back to School Backpack Giveaways, Bolden Area Command Safe Night Neighborhood Seminars and on-site celebrations of Mario's Westside Las Vegas Little League Team. She submitted recommendations from a structural engineer on how to improve the sign. She noted they accepted those conditions to come into compliance with the wall and canopy signage and will remove the temporary power pole and ensure that the LED sign is structurally sound.

JOSEPH ABRAHAM stated he is the publisher of the Urban Voice magazine and is a resident of West Las Vegas where he not only worships but works as well. He has worked with Mario's Market as a community partner over the last decade. He stated he personally spoke with property owners and tenants where he heard overwhelming support for this sign. He noted these conversations had been submitted to the Clerk.

WENDELL WEST, realtor, stated he has lived in Ward 5 for 40 years and that MR. BERLANGA is a hero and pillar in the community. He helps kids, seniors and people raise money for funerals, and he asked the Commission to approve this request. He commented all of the other communities have nice things, and Ward 5 should too.

BRIAN HARRIS, owner of The BlackBook and BlackBook Media, spoke in support. He said the ability to communicate and get information out runs through Mario's Market. Having the sign and the ability to communicate to the community is essential to its growth and the people who live there. The sign is needed and will be beneficial to the people in the community.

ROYAL BYRON, lifetime resident and owner of Nevada's First Barber College, spoke in support, noting that all of his students eat at Mario's Market, and it is the only place they can get some soul food. He also noted he would like to advertise on the sign and that it has the potential to display Amber Alerts, etc.

ANDRE PETICE, friend and associate, believes MR. BERLANGA'S effort is to serve the community the best that he can and asked the Commission to work with him to make the sign available to his business as well as the community.

PASTOR JAMES HARDEN stated he represents some of the faith-based community and also spoke of the good food that can be found in MR. BERLANGA'S establishment. The Pastor stated he has been in the community for 20 years during which time he has watched this business serve that community, and he stood in support with MR. BERLANGA.

CHARLES SAWYER, JR., the prior owner of the Las Vegas Sentinel Voice newspaper, stated he has known MR. BERLANGA for over 20 years. He spoke about MR. BERLANGA'S outstanding character and echoed that he is a pillar in the community who has many ideas to give the youth opportunities to be heard.

MAX ALLEN, owner of Big Max's Dogg's, stated he has been in the community for over 53 years, and has been going to Mario's Westside Market as far back as he can remember, dating back to when it operated under another name. He thought the sign would keep the community informed, and he asked the Commission to work with the applicant.

COMMISSIONER ROGAN asked for clarification on Item 21 because based on the concessions made by the applicant, it seemed as though the Variance was no longer needed. MR. McCAMMOND explained the applicant would need to submit new drawings in order for staff to verify that the Variance was no longer necessary. MS. DREJA explained it was her understanding after discussing the situation with the Planner assigned to the case that although a Variance was not needed for the wall and canopy signage or the 200-foot separation from the nearest residential for an LED sign, the Variance was still required for the LED animated roof sign because it will be visible from more than 400 feet from the nearest residence.

COMMISSIONER ROGAN referenced comments made regarding the sign and how useful it would be for advertising and wanted to make sure the applicant understood this was not an off-premise sign. MS. DREJA explained the site is located within the Historic Westside so community announcements for the Historic Westside or children that are missing within that area would be considered on-premise. Discussions with staff resulted in the applicant applying for an off-premise sign because there are no other encumbrances, such as another billboard within a 1,500-foot radius. They were told that as of February 12, 2020, they could apply for an off-premise sign, possibly with conditions that it not be utilized for for-profit advertising. She confirmed for the Commissioner that they may apply for such in the future, and that they understood currently they would be limited to the events that are on-site such as the Halloween parties, bicycle giveaways and the backpack event in coordination with the Las Vegas Metropolitan Police Department.

COMMISSIONER ROGAN commented he went back and forth on this item because he did not understand its purpose; it was part sign, part kitchen and it looked to him like a food truck at first so he struggled with it, but at the end of the day what convinced him to support this item was the fact that at that intersection there are a number of different drive-through restaurants, and this is no different other than the people are on foot. He had

concerns related to the signage, and was glad the applicant reduced it to an allowable percentage, and he was hopeful that the conditions would secure the sign so that it is not a hazard. He indicated his support of these items.

COMMISSIONER CHERRY echoed COMMISSIONER ROGAN'S statements, adding that with the proposed changes related to the reduced signage, removal of the temporary power pole and the structural component, he could support it as well. CHAIR DeSALVIO concurred with the Commissioners comments and was glad any issues got rectified.

COMMISSIONER WILLIAMS stated based on everyone's perspective of the project which started out rather vague and after several phone calls and meetings with the applicant on site to better understand what was being proposed, he could support these items.

See Items 22-24 for related backup.

CHAIR DE SALVIO declared the Public Hearing closed for Items 21-24.

Motion made by Anthony Williams to Approve Subject to Condition(s)

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Donna Toussaint, Jeff Rogan; Against-Trinity Haven Schlottman;

22. ABEYANCE - SUP-77686 - SPECIAL USE PERMIT RELATED TO VAR-78088 - PUBLIC HEARING - APPLICANT: MARIOS MARKET - OWNER: JOHNSON FAMILY TRUST II - For possible action on a request for a Special Use Permit FOR A PROPOSED OPEN AIR VENDING/TRANSIENT SALES LOT USE on 2.11 acres at 1960 North Martin L. King Boulevard and 1425 Lake Mead Boulevard (APNs 139-21-701-009 and 010), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-77553]. Staff recommends DENIAL.

Minutes:

See Item 21 for related discussion and Items 21-24 for related backup.

Motion made by Anthony Williams to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

23. ABEYANCE - MSP-77687 - MASTER SIGN PLAN RELATED TO VAR-78088 AND SUP-77686 - PUBLIC HEARING - APPLICANT: MARIOS MARKET - OWNER: JOHNSON FAMILY TRUST II - For possible action on a request for a Major Amendment to an existing Master Sign Plan (MSP-0004-02) FOR A PROPOSED LED DISPLAY ROOF SIGN at 1960 North Martin L. King Boulevard (APN 139-21-701-009), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-77553]. Staff recommends DENIAL.

Minutes:

See Item 21 for related discussion and Items 21-24 for related backup.

Motion made by Anthony Williams to Approve Subject to Condition(s) and adding the following condition as read for the record:

A. Prior to issuance of building permits, applicant will submit updated elevation drawings depicting wall signage occupying no more than 20 percent of any elevation, a roof sign not to exceed eight feet and no wall or marquee signage on the west elevation.

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Donna Toussaint, Jeff Rogan; Against-Trinity Haven Schlottman;

24. ABEYANCE - SDR-77688 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-78088, SUP-77686 AND MSP-77687 - PUBLIC HEARING - APPLICANT: MARIOS MARKET - OWNER: JOHNSON FAMILY TRUST II - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 250 SQUARE-FOOT

RESTAURANT on 1.11 acres at 1960 North Martin L. King Boulevard (APN 139-21-701-009), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-77553]. Staff recommends DENIAL.

Minutes:

See Item 21 for related discussion and Items 21-24 for related backup.

Motion made by Anthony Williams to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

25. ABEYANCE - GPA-77891 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DAPPER COMPANIES - OWNER: MLK CAREY, LLC - For possible action on a request for a General Plan Amendment FROM: MXU (MIXED USE) TO: SC (SERVICE COMMERCIAL) on 0.59 acres at 2360 North Martin L. King Boulevard (APN 139-21-510-001), Ward 5 (Crear) [PRJ-77889]. Staff recommends APPROVAL.

Minutes:

See Item 6 for related discussion.

Motion made by Trinity Haven Schlottman to Hold in Abeyance Items 25-27 and 36 to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

26. VAR-78100 - VARIANCE - PUBLIC HEARING - APPLICANT: DAPPER COMPANIES - OWNER: MLK CAREY, LLC - For possible action on a request for a Variance TO ALLOW 72 PARKING SPACES WHERE 131 ARE REQUIRED on 1.77 acres at 2360 North Martin L King Boulevard (APN 139-21-510-001 through 004), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-78077]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Item 27 for related backup.

Motion made by Trinity Haven Schlottman to Hold in Abeyance Items 25-27 and 36 to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

27. SDR-78101 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-78100 - PUBLIC HEARING - APPLICANT: DAPPER COMPANIES - OWNER: MLK CAREY, LLC - For possible action on a request for a Site Development Plan Review FOR A 18,180 SQUARE-FOOT COMMERCIAL DEVELOPMENT WITH WAIVERS FOR ALL PERIMETER LANDSCAPE REQUIREMENTS on 1.77 acres at 2360 North Martin L King Boulevard (APN 139-21-510-001 through 004), C-1 (Limited Commercial) Zone, Ward 5 (Crear) [PRJ-78077]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion and Item 26 for related backup.

Motion made by Trinity Haven Schlottman to Hold in Abeyance Items 25-27 and 36 to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

28. VAR-78073 - VARIANCE - PUBLIC HEARING - APPLICANT: ROBERT J. COLVIN - OWNER: COLVIN LIVING TRUST - For possible action on a request for a Variance TO ALLOW A ZERO-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED; A ZERO-FOOT DISTANCE SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED; AN ACCESSORY STRUCTURE THAT IS NOT AESTHETICALLY COMPATIBLE AND IN FRONT OF THE MAIN BUILDING WHERE SUCH IS PROHIBITED FOR A PROPOSED 237 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) [CARPORT] on 0.14 acres at 1425 Norman

Avenue (APN 162-02-115-071), R-1 (Single Family Residential) Zone, Ward 3 (Diaz) [PRJ-77823]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, reported staff found that the applicant created a self-imposed hardship by proposing an accessory structure which does not comply with Title 19 development standards and, therefore, recommended denial of the Variance request. He noted additional letters of protest and support were received since publication.

LARRY SANCHEZ, Engineer, appeared representing the homeowner, but noted the owner was present as well. MR. SANCHEZ stated the homeowner needs shade for parking their car on the driveway, and they were requesting a zero-lot line Variance at the front setback for a new 237 square-foot carport which would be made out of noncombustible material. He referenced a similar approval on 13th Street a couple of months ago.

ROBERT COLVIN, applicant, stated last year he had requested and received approval of two carports at 1500 Norman Avenue. He owns 1425 Norman Avenue, but his daughter lives there, and he would like the carport to keep his daughter's truck from deteriorating in the sun.

MICHELLE MADAR, neighbor, wrote a statement of support, which MR. SANCHEZ read at her request. Her statement and support postcard were submitted for the record.

COMMISSIONER SCHLOTTMAN stated he reviewed the application but did not recall supporting other carports in the front yard before in his ward. He agreed with staff's comments that it was not aesthetically compatible and stated there were no other carports along that street. He stated he does not typically support this type of Variance request and did not see any unique circumstances to consider otherwise. He said the Commission cannot grant a Variance due to a self-imposed hardship, which this is. MR. SANCHEZ stated he had four letters of support from adjacent neighbors, but the Commissioner stated he had six in opposition and that he had no legal justification for granting the Variance.

Subsequent to the motion and vote, ASSISTANT CITY ATTORNEY BRYAN SCOTT asked if the carport had to be removed by a certain date. ROBERT SUMMERFIELD, Planning Director, indicated this was not an existing carport.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Trinity Haven Schlottman to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

29. VAR-78119 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: AMIR JOHNSON - For possible action on a request for a Variance TO ALLOW AN EXISTING EIGHT-FOOT TALL FENCE WHERE FIVE FEET IS THE MAXIMUM ALLOWED on 0.87 acres at 2905 Pinto Lane (APN 139-32-306-024), R-A (Ranch Acres) Zone, Ward 1 (Knudsen) [PRJ-78053]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by constructing a wall that does not comply with the Ranch Acres development standards. Staff, therefore, recommended denial of the application. He noted additional letters of protest were received since publication.

AMIR JOHNSON, applicant, said he is a professional athlete and while he is rarely home, his wife and kids are. He stated his home was burglarized, and he wanted to build a fence for protection.

CORVAUGHN CORNELIUS, friend of MR. JOHNSON, pointed out there was no change to the structure of anything. He added that the burglars had jumped over the existing gate and that a copy of the Police Report for the break-in had been submitted to staff.

ROBIN FISHNER stated they too were burglarized, and while she wished the applicant had followed the rules and obtained a permit prior to constructing the fence, she thought it was beautiful and that there was a need for it. She noted the neighborhood is changing in that there is more property crime than before, and she could empathize with MR. JOHNSON'S family. She supported approval of this item.

MARK WOLFSON, husband of MS. FISHNER, added according to the police, he and his wife had set a record because they were burglarized on the first day they moved to Las Vegas. Two individuals were caught inside their home, which was surrounded by 17 police cars. He agreed that the applicant should have followed the rules, but that the fence MR. JOHNSON had installed was beautiful, enhanced the property and provides protection. He stated they too feel at risk because of the amount of crime in Las Vegas and because people come to this particular neighborhood because of what they can take. He supported the request and hoped the Commission would as well. He pointed out there are a number of properties on Palomino Lane and on the corners that have fences and gates well beyond five feet.

ERIK KING opposed the request because it does not meet the requirements of the code, and fencing should be kept at a proper level. The code helps to preserve the rural atmosphere in this area, and if approved, it will set a precedent and affect the neighborhood in a matter of years.

COMMISSIONER ROGAN stated he struggles with wall height variances such as this. This is an older neighborhood with a lot of nonconforming structures that were either built with variances or without. He noted he spoke with MR. JOHNSON and walked Pinto Lane himself and saw a lot of nonconforming gates throughout the entire neighborhood. He looked at the fence and thought based upon the unique conditions of this land that a fence of this height was appropriate, and he does not believe it would lead to the degradation of the community.

CHAIR DE SALVIO declared the Public Hearing closed.

Subsequent to the motion and vote, ROBERT SUMMERFIELD, Planning Director, informed the applicant he needed to submit a permit package so the property could be inspected after the 10-day appeal period.

Motion made by Jeff Rogan to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

30. VAR-78133 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BRUCE AND LORI WERNER - For possible action on a request for a Variance TO ALLOW AN EXISTING SINGLE FAMILY DWELLING ADDITION [CARPORT] WITH A ZERO-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED AND A SIX-FOOT TALL FRONT YARD FENCE WHERE FIVE FEET IS ALLOWED on 0.16 acres at 4613 Del Monte Avenue (APN 162-06-213-010), R-1 (Single Family Residential) Zone, Ward 1 (Knudsen) [PRJ-78095]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by proposing to overdevelop the site exceeding the Title 19 development standards. Therefore, staff recommended denial of the application.

BRUCE WERNER, applicant, stated they were in front of the City Council for this same problem 15 years ago, and he indicated he had a letter of approval. He explained he had the property inspected and was told which changes needed to be made which included putting on a new roof, removing a gate and replacing it with a garage door. He stated the individual that inspected everything told him he was good to go, and then in June 2019, Code Enforcement advised him there was no paperwork for the structure. He indicated he had to pay for another Variance, structural engineer plans, drawings, etc.

COMMISSIONER ROGAN stated based upon his review of the case, it appeared that a Variance was obtained after the carport was built, but that a building permit was not. Since the building permit was not obtained, the Variance expired, which resulted in him being before the Commission. The Commissioner wanted the record clear that there was no mistake on behalf of staff. MR. WERNER stated he assumed everything was done when all of

the changes were made and the inspector said he was done. He wondered why the inspector conducted an inspection twice without a permit.

COMMISSIONER ROGAN expressed he wanted to work with the applicant, but that he has some concerns. He took deference to the fact that the Planning Commission approved this in 2004. He requested to see the engineering reports because the carport looked to be supported by part of a perimeter wall, which concerns him. Additionally, in 2004, the perimeter wall enclosed part of a city street light and as part of the Variance conditions, the applicant was instructed to remove the wall so that it is accessible by the City, but that was never done. If the Commission is going to consider this Variance again, he wanted to make sure the applicant was doing everything he is supposed to be doing, including getting a building permit and changing the block wall. He offered to abey the item in order to work with the applicant. MR. WERNER was amenable to abeying the item.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Jeff Rogan to Hold in Abeyance to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

31. VAR-78137 - VARIANCE - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES - For possible action on a request for a Variance TO ALLOW NO OFFSITE IMPROVEMENTS ON VIRGINIA CITY AVENUE WHERE SUCH ARE REQUIRED on 7.03 acres at 950 North Tonopah Drive (APN 139-28-210-007), C-V (Civic) Zone, Ward 5 (Crear) [PRJ-77865]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported that the previously approved Site Development Plan Review for the school requires the construction of all incomplete half-street improvements on Virginia City Avenue and Tonopah Drive. The applicant intends to comply with the requirement for improvements on Tonopah Drive, but not on Virginia City Avenue. While Virginia City Avenue currently does not have half-street improvements north or south of the subject site, there are no physical characteristics that would prevent the applicant from meeting these requirements. Staff recommends for the implementation of all code requirements and therefore, recommended denial. He noted additional letters of protest and support were received since publication.

MARK MCGINTY, Knit Architecture, appeared representing the Clark County School District. He stated they were in front of the Planning Commission in June 2019 related to their variances and design review. However, between the Planning Commission and City Council meetings, further information arose from neighborhood meetings whereby the neighbors requested Virginia Avenue not be developed, which resulted in the request for another variance. The neighborhood has a rural feel where some of the neighbors walk their horses behind the school on this road.

He pointed out further complications came to light after the hydrology study in that the ground is so flat in this area, that if it were raised six inches, the existing building elevations would be lost on Tonopah Drive. He commented that the subject site is the flattest land he has seen in his 36 years of doing architecture in Las Vegas. As such, he asked for the Commission's support and agreed to staff's recommendations.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Anthony Williams to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

32. VAR-78142 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ERIC H. WOODS - For possible action on a request for a Variance TO ALLOW A 28-FOOT TALL FREESTANDING SIGN WHERE 20 FEET IS THE MAXIMUM ALLOWED, A 298 SQUARE-FOOT SIGN AREA WHERE 100 SQUARE FEET IS THE MAXIMUM ALLOWED AND A 140-FOOT SEPARATION FROM AN EXISTING RESIDENTIAL PROPERTY WHERE 200 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED FREESTANDING SIGN WITH VISIBLE INTERNAL

AND EXTERNAL ILLUMINATION AND TO ALLOW AN ELECTRONIC MESSAGE UNIT WHERE SUCH IS PROHIBITED on 1.10 acres at 2055 West Charleston Boulevard (APN 162-04-116-001), C-D (Designed Commercial) Zone, Ward 1 (Knudsen) [PRJ-78122]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented, in that the applicant created a self-imposed hardship by proposing to overdevelop a freestanding sign within proximity to a residential-zoned use. Staff, therefore, recommended denial of the application. He noted that additional letters of protest were received since publication.

JOHN VORNSAND appeared representing the application. He stated the subject property is located on Charleston Boulevard across from the University Medical Center in an area where the front 15 feet of the property is being taken for the beautification project on Charleston Boulevard. The existing sign is located within that 15 feet and will be relocated to the east side of the driveway because of the existing building location.

He explained the sign consists of two 100-square-foot panels of which the bottom panel will remain as is. The sign can be relocated in its existing condition, but the applicant would like to modernize the sign by placing a 100-square-foot LED panel on the top. No other changes to the sign were proposed. His understanding of the issue is that the property to the west is zoned R-E (Residence Estates). It is a vacant property that is master planned for office and is currently for sale advertising future commercial uses. He pointed out that this is the only residentially-zoned property fronting on Charleston Boulevard within about three miles to the west at Jones Boulevard and many miles to the east. He thought it was extremely doubtful that the property would be developed for residential uses. From a practical standpoint, he said the sign itself will not be visible from any existing residences, and there will be limited visibility on the front portion of the vacant property as well. He requested the approval of the Commission.

COMMISSIONER ROGAN stated by way of background and conversations with staff, because the City is taking the property, if the existing sign was simply moved to the new location, it would be handled administratively, but because the applicant is requesting an LED sign to replace the top portion of the sign, it has to come before the Commission. He noted that he recently walked the property with MR. VORNSAND, and he agreed that no one is going to build their dream home on the parcel to the west and that it will most likely change to commercial. He did not think this was a situation where they should be concerned with the LED sign.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Jeff Rogan to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

33. VAR-78182 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TERRY R. HELMS LIVING TRUST - For possible action on a request for a Variance TO ALLOW A THREE-FOOT DISTANCE SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR A PROPOSED ACCESSORY STRUCTURE (CLASS II) [SHADE STRUCTURE] on 0.49 acres at 800 Campbell Drive (APN 139-32-404-010), R-E (Residence Estates) Zone, Ward 1 (Knudsen) [PRJ-78181]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by proposing an accessory structure that does not comply with Title 19 development standards. Therefore, staff recommended denial of the application.

TERRY HELMS, applicant, explained he paid for a permit in September which moved forward to the Building Department, and he was before the Commission in November for a Variance to allow the connection from the house to give him 24-feet in the back. That was approved, and it was his understanding that the current request was supposed to be included with that, but that the language was somehow incorrect, so he is before the Commission again. He noted the shade structure is similar to those at the schools and parks, with four posts. He stated he wants to avoid getting near the foundation of the garage in the back or the wall along the alley due to

how long ago those were constructed. He explained if he conforms to the six-foot requirement, he would be in the middle of the alley. He indicated he had his neighbors approval and that one had sent in a postcard.

As stated by the applicant, COMMISSIONER ROGAN indicated this was on some of the drawings that were considered back in November, and this appeared to be a miscommunication between the applicant and staff as to whether it was initially included. Because of the fact it was on those drawings and the neighbors seem to support the request, he thought the unique conditions of the land warranted such.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Jeff Rogan to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

34. VAR-78183 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ROBERT M. PRATT JR. & SANDRA K. PRATT - For possible action on a request for a Variance TO ALLOW A PROPOSED 1,400 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) [GARAGE] WHERE 642 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.19 acres at 5616 Emperor Way (APN 125-27-810-008), R-1 (Single Family Residential) Zone, Ward 6 (Fiore) [PRJ-78156]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by proposing to overdevelop the subject site by building an accessory structure that does not comply with Title 19 development standards. As such, staff recommended denial of the application. He noted an additional letter of support was received since publication.

ROBERT PRATT, applicant, stated he was proposing to construct a metal enclosed structure to park a truck and trailer in along with utilizing it for storage of personal items. He indicated he spoke with 12 neighbors who seemed supportive of the request and who thought the structure would be conducive, aesthetically pleasing and would not block anything.

CHAIR DE SALVIO commented the applicant did things right by contacting the Homeowners Association and talking to the neighbors who did not protest him moving forward. The project is compatible and is not intrusive.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Louis De Salvio to Approve Subject to Condition(s)

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

35. SDR-78094 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: THE DOUBLE D GROUP, LLC - For possible action on a request for a Major Amendment of an approved Site Development Plan Review (SDR-76440) FOR A PROPOSED ONE-UNIT ADDITION TO A PREVIOUSLY APPROVED 18-UNIT, THREE-STORY MIXED-USE DEVELOPMENT WITH A WAIVER TO ALLOW ZERO ADDITIONAL PARKING SPACES WHERE TWO ARE REQUIRED on 0.24 acres at 625 South 10th Street (APN 139-34-801-012), R-4 (High Density Residential) Zone, Ward 3 (Diaz) [PRJ-78050]. Staff recommends DENIAL.

Minutes:

CHAIR DE SALVIO declared the Public Hearing open.

ALEX STRAWSER, Planner I, reported no evidence of a unique or extraordinary circumstance was presented in that the applicant created a self-imposed hardship by proposing to overdevelop the subject site. As such, staff recommended denial of the application. He noted additional letters of protest and support were received since publication.

CRAIG PALACIO, BUNNYFiSH Studio, stated they were proposing to add one additional unit within the building footprint. They are taking a space that at one point they thought might be an amenity and making it into a rentable unit because of the interest in these units. JOSE PICHARDO, owner of the property, introduced himself.

COMMISSIONER SCHLOTTMAN stated he liked the project, it is beautiful and would not greatly impact the parking or neighborhood, so he could support it.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Trinity Haven Schlottman to Approve Subject to Condition(s)

NOTE: COMMISSIONER SCHLOTTMAN disclosed that he has worked with Craig Palacios, BUNNYFiSH Studio, quite a bit in the past, but he has no ongoing business with them at this time and he would vote on this item.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

36. ROC-78043 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: WALMART STORES, INC. - OWNER: WRI CHARLESTON COMMONS, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (SUP-49152) TO REMOVE CONDITION #7 WHICH STATES, "ALL BEER AND WINE COOLERS SHALL REMAIN IN THE ORIGINAL MANUFACTURER'S CONFIGURATION INTENDED FOR OFF-SALE RESALE" on 10.51 acres at 201 North Nellis Boulevard (APN 140-32-701-003), C-1 (Limited Commercial) Zone, Ward 3 (Diaz) [PRJ-78042]. Staff recommends DENIAL.

Minutes:

See Item 6 for related discussion.

Motion made by Trinity Haven Schlottman to Hold in Abeyance Items 25-27 and 36 to 3/10/2020

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

#### **DIRECTOR'S BUSINESS:**

37. TXT-78225 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to amend LVMC Title 19.12.070 Permissible Use Descriptions and Applicable Conditions and Requirements and 19.18.030 Measurement Rules regarding Waivers of distance separation requirements, and to provide for other related matters. Staff has NO RECOMMENDATION.

Minutes:

This item was pulled forward and heard subsequent to Item 38.

CHAIR DE SALVIO declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, stated this request proposes two things. First, it proposes to remove the non-waivable Special Use Permit (SUP) signifier from the distance separations that are indicated for non-waivability currently. It does not allow any new exceptions, allowances or approvals. It simply provides an opportunity for the applicant to request a waiver of the minimum SUP requirement and to make a case before the Planning Commission or the City Council as to why a unique circumstance would warrant such a waiver whereas currently the code provides no such option. Secondly, as distance separations for marijuana establishments are established by statute and not by ordinance, the amendment clarifies for purposes of measuring distances for marijuana establishments that a record of survey created prior to January 1, 2020, could be utilized to create the distance separation.

If approved, MR. SUMMERFIELD noted at its most basic level, it returns discretionary reviews to the Planning Commission and City Council and the onus would be put on those two bodies to make very clear findings as to why such a waiver was approved. He pointed out an updated Amendment and Staff Report could be found in the backup materials reflecting that the boundary of a parcel established by a record of survey may be used if established on or before January 1, 2020. He added staff had no recommendation related to the proposed Text Amendment.

RYAN ARNOLD appeared representing the Fremont Street Experience (FSE) and all of its members. He noted they have spent a lot of time on various ordinances and regulations to try to control liquor, especially package liquor. At this point, they did not know if the Text Amendment would be a good change, and he asked for the opportunity to sit with staff to explore this and better understand the potential ramifications. He commented this also applies to Station Casinos and the outlying areas. FSE has a long history and a lot of investments that are dependent upon the current regulations. Because of this, he asked that the item be held in abeyance.

VIRGINIA VALENTINE, President of the Nevada Resort Association (NRA), echoed MR. ARNOLD'S comments. She also requested more time to have a conversation with staff and to determine how this Text Amendment would impact some of the area around resort hotels. NRA has eight members in the city of Las Vegas, and those are resort hotels by statutory definition. It is also unclear to them how one would need to change the method of measurement if there was also the ability to grant a waiver.

ERIN McMULLEN appeared representing Boyd Gaming. She echoed the comments of the prior speakers and sought more time to understand what was being proposed. Their understanding is that this is more of a wholesale change in that those places where waivers are currently required or prohibited are there for a reason and taking that away might be impactful.

PHYLLIS GILLAND, Golden Entertainment, echoed the comments of those who spoke before her. They also would like the opportunity to understand the reason behind the wholesale change.

COMMISSIONER ROGAN asked staff what the impetus was for this change and if they had been receiving certain complaints. MR. SUMMERFIELD explained the impetus of the Text Amendment was that there were a couple of appeals of a Director's decision related to how distance is measured in the city of Las Vegas. The Planning Commission and City Council already acted upon one of those appeals in which it clarified what "access" means. The second appeal related to how distance is measured and centered around specifics in the code as to what is considered a property line and what is not. Based on that appeal, the Council tabled that item and directed staff to research why the City measures the way it does, which is different than other jurisdictions in the area. He explained that in some cases, Clark County uses the nearest face of a building to the property line of the protected use. The City of Henderson uses a slight variation of that and North Las Vegas uses something else. He noted the City of Las Vegas is probably the most conservative by measuring property line to property line. He reiterated that the City Council asked if there was a better way to measure when there were projects that may have a legitimate reason to request a waiver.

MR. SUMMERFIELD went on to explain that the code has created niche exemptions to the non-waivability of the distance separations. He provided the example where several years ago someone wanted to go into a regional mall and made a very good case as to why they would be held to the distance separation when the mall sites are so large (i.e., what implications would a tavern inside the Meadows Mall have on neighboring properties even if there was a church on an outparcel). He noted there is a carve out in the code for a tavern inside of a regional mall to request the distance waiver. This has been done over the years, and the question was how to get to a place that provides the option for a business owner to come forward and demonstrate a unique circumstance that warrants a waiver in the opinion by the Planning Commission and City Council. He reiterated the proposed Text Amendment did not create any new exemptions or remove the allowance for a public hearing. He reiterated this creates more work for the Council and Planning Commission as individuals because they will now have to hear these items and be very diligent about making case-by-case findings on why a waiver may be more appropriate in one case versus another.

COMMISSIONER ROGAN asked what guidance was in place that would ensure consistent decisions were being made as the composition of the Commission and Council changes to avoid possible lawsuits. MR. SUMMERFIELD explained staff would use the existing exemption language in the code that describes those circumstances, such as the regional mall, as part of their analysis. Staff will have a list of things that the Council has already signaled through prior action that they want to consider an exemption or waivers for and will include that in their analysis. Additionally, staff may have to change the staff reports to make a clear record of the background and history of the site that will be helpful to any new Planning Commissioners or Councilmembers. There will be a due diligence component involved with the members regarding being consistent on their findings as well as being mindful of the findings that came before them when their predecessors were in office.

ASSISTANT CITY ATTORNEY BRYAN SCOTT agreed that it will be incumbent upon the Planning Commission and the City Council to make diligent findings so that they are not being arbitrary and capricious between wards and applications and to make a clear record to make sure the City can withstand any lawsuits.

After COMMISSIONER ROGAN referenced Section 2H on the proposed amendment, a specific list of uses that are subject to this amendment, and Item 8, which references any other use that is in Title 19 that is within the intent of this amendment, he asked who determined whether a particular use was within the intent of the amendment. MR. SCOTT stated ultimately it would be up to the City Council to make that determination. The Commissioner commented that these items come before the Planning Commission first, and he asked if the Commission was able to make a decision if there had not been a previous decision on a particular use not specified in the amendment or if it should be immediately passed on to the City Council with a recommendation that it is within the intent of the amendment. MR. SUMMERFIELD explained Title 19 allows for the Planning Director to make the first line interpretation as to whether something is similar enough to a certain situation to treat it a certain way. This is subject to an appeal of interpretation. If someone feels aggrieved by that interpretation, they have the ability to appeal it to the City Council who has the final word on interpreting their code. The language is included in the Text Amendment because they want it to be clear in the event something in a reference document was missed. The idea is that if it is not specifically precluded in Number 3 that there may be some use that was not clearly identified that may also fall into it. He added staff would be reviewing more documents that reference distances and SUP requirements to verify where those other places that qualify may be.

COMMISSIONER ROGAN commented it seemed as though this change was placing more administrative burdens on the Director and his staff, and he asked if there were any other administrative burdens being placed on staff with the proposed change that the Commission needed to be aware of. MR. SUMMERFIELD responded that there may be some shifts with regard to documentation and the preparation of the staff report, but he does not anticipate that this will place an additional administrative burden on his team in administering this code change any more than any other code change.

COMMISSIONER ROGAN referenced the resort representatives that were present and that they have the staff to monitor what the City is doing on a monthly basis, but as this affects neighbors and neighborhoods, he asked if any outreach was done to notify neighborhood associations. Distance separations are being changed on a lot of particular uses, such as off-sale liquor establishments and nightclubs, that the neighbors may be upset about. MR. SUMMERFIELD explained the standard noticing was done as they do for all Text Amendments. It was noticed in the newspaper and the agenda was published, and most of the neighborhood associations are on a mailing list to receive the agenda. He noted this change does not mean that a nightclub will go into a neighborhood where it previously could not. It means a nightclub could propose to go somewhere where currently the distance separation is non-waivable, if proven to the Planning Commission and the City Council that they can operate in such a way that they are not impactful on those protected uses for which the distance separation was established. The applicant has to show why they feel the intent of the distance separation to the protected use is not going to be hindered if the waiver is approved. It does not give anyone the right to move forward without the concurrence of the Planning Commission and Council.

COMMISSIONER TOUSSAINT stated it was her understanding that this is basically a cleanup of the existing code. MR. SUMMERFIELD stated this was a response to an appeal and not a cleanup. It is a shift in policy whereas the Council is taking back its discretion.

COMMISSIONER SCHLOTTMAN stated he had some of the same concerns already expressed. He knows of other taverns that wanted to come downtown, but were unable to do so because of the distance separation requirement. In those cases, the applicant has other options such as a Tavern-Limited or Urban Lounge license. He thought the distance separation was there for a reason, and he was concerned this may open it up where hundreds of requests will be coming before them due to the demand in certain areas. He referenced Section 4 and thought it meant that for marijuana uses, it would establish a measurement from the property line to the record of survey within the commercial subdivision. MR. SUMMERFIELD explained this element of the amendment is to address one of the concerns that was in the appeal which is that in the past people did not know about the mapping options and the ramifications of those mapping options. Sometimes individuals did a record of survey in a commercial subdivision instead of doing a parcel map which establishes a parcel line, and they thought that that created real property for purposes of land use and building, but it does not under the current code. He explained that distance is governed by Nevada Revised Statute (NRS) not City ordinance; the City memorializes NRS via ordinance to match what NRS states. He pointed out a new line survey cannot be done in order to try to create a new distance separation. Historic boundary line adjustments that meet the qualification can be used to create that property line for purposes of measurement from protected uses. This takes into consideration large commercial centers, some that have existed for more than 20 years, where a mapping action was done, that is maybe not the preferred mapping action. The proposed Amendment provides

a slight tweak for marijuana establishments because there is no waiver option that would otherwise resolve this issue.

COMMISSIONER SCHLOTTMAN thought the City should allow these items to be measured to record of survey. He did not understand the need for the January 1, 2020 date and thought they could measure to record of survey in the future because it would be a good tool to use in some of the larger subdivisions. MR. SUMMERFIELD explained the argument was that a mapping tool was used in the past to create lots and to achieve a configuration that made sense financially so a piece of the commercial subdivision could be sold off, not to circumvent the rules. The purpose of setting the date from before this Amendment was introduced is to prevent someone from coming forward at this point in time and creating a record of survey in some attempt to circumvent the distance separation. It provides some level of surety for the community and the Council that a loophole is not being created for a new person to come in and abuse the system. It is intended to address what may be an historic inequity with the previous mapping actions versus what the code calls for.

PETER LOWENSTEIN, Deputy Planning Director, added this is for a record of survey for the protected use and not for the marijuana establishment. He pointed out that there was an amended staff report in the Commissioners' backup establishing the January 1, 2020 date and reiterated it was so that someone cannot cut a box around an existing church and say it is now meeting the distance separation where historically it did not. After COMMISSIONER SCHLOTTMAN expressed confusion with some of the language, MR. SUMMERFIELD stated the problem is that marijuana is governed by the State so the Council has no authority to waive that distance. If it was not governed by statute, then the City would treat marijuana under the proposed ordinance, just like alcohol uses and everything else.

COMMISSIONER CHERRY thought the two items that prompted this seemed like a small number to invoke such a change. He was part of the discussions when Tavern-Limited and Urban Lounges came to be, and he can see how what is being proposed fits in a downtown environment but is concerned with the unintended consequences valley wide. He believes in open markets, but a wholesale change such as this has the potential to affect a business in the suburbs that has invested a lot of money. He hoped the Commission would have more time for discussion as there may be other creative ideas that address this concern. He stated he could not support a wholesale change across the board the way it has been presented.

COMMISSIONER CHATTAH believes that non-waivable standards have a chilling effect on businesses that are not necessary, and removing the non-waivability compels the Planning Commission and the City Council to subjectively view businesses or the SUPs on a case-by-case basis, whereas denial of an SUP waiver is done more on a subjective manner, not arbitrary and capricious. She thought that would allow and promote business on a case-by-case expansion rather than having a unilateral non-waivable distance separation which she thought created a stringent environment for potential business growth, and with which she has an issue. There are a lot of businesses that are precluded from opening due to non-waivable distance separations, and she thought this amendment provides a way to modify that. The Commission and Council would have to get to know and understand the project and what the applicant is trying to do and whether there is a prejudicial effect on the surrounding businesses or the distance separation. This amendment promotes business, and if there is no prejudicial effect on the distance separation, she thought that was a good thing, and she would support the Amendment.

COMMISSIONER ROGAN thought there were still a lot of questions with regard to this issue and that it seemed relatively sudden to consider given the magnitude of the change. He expressed more time and perhaps more public comment was needed prior to considering it.

CHAIR DE SALVIO stated if this Amendment was approved, there would be a month and a half to two months' time where it would be discussed by the City Council and the Recommending Committee, which would provide everyone ample opportunity to discuss their concerns. MR. SUMMERFIELD clarified if approved, the Amendment would move to the bill sponsor who will consider the recommendation of the Planning Commission along with any formal comments into the drafting of the ordinance and advise the City Attorney's Office and Planning staff accordingly. It would then be introduced at a Council meeting, be on an agenda for a second reading, have a public hearing at a Recommending Committee meeting and then be eligible for adoption by the City Council. Presently, he did not expect it being introduced prior to the second meeting in March in which it would be eligible for adoption 45 days later.

CHAIR DE SALVIO stated that timeline would allow for concerns to be addressed during those approximate two months and that there would have to be findings to justify the reason for allowing the waiver. He stated it gave the discretion to each of the elected officials, who know what is best for their wards; it does not provide the right to do anything other than request the waiver. It removes the constraints and allows each elected official to work with their constituents. There are no guarantees as the requests still have to be approved by the Planning Commission and the City Council. He stated it just opens up the opportunity to have a conversation, which is why he could support it.

COMMISSIONER SCHLOTTMAN noted he agreed fundamentally. He is pro-business and thought he could support what was being proposed, but stated this is one of the most engaged Commissions where everyone comes from different backgrounds, and one of the benefits of the Commission is vetting these types of items and making recommendations to the City Council. He expressed he would like to meet with the Planning staff and offer advice and suggestions versus just being able to provide comments at the meeting. He might be able to support it if it were held for 30 days, but at this point, he still has questions. CHAIR DE SALVIO asked what his suggestion was because nothing was really changing other than opening up the conversation and not having that ability, hinders growth. He reiterated it would allow the City Council the ability to police their area accordingly to see it if works for their constituents.

COMMISSIONER ROGAN stated having each of the City Councilmembers policing their wards says to him that each will be treated differently. His concern is that there will be arbitrary and capricious decision-making because decisions will be made based on the makeup of a particular ward rather than the consistency that is required between each application and the preceding applications and those that will come after. These are some of the major questions he would like addressed prior to voting on this item. Additionally, this is going to change the Planning Commission meetings. It has a significant impact on what the Commission is doing, and he would like to hold it for 30 days in order to meet with staff to make sure the Commission understands it, particularly Section 4.

COMMISSIONER CHATTAH disagreed; she thought Section 4 had been adequately explained by MR. SUMMERFIELD in that the mandates are dictated by the State so the Amendment specifically excludes in Paragraph 3 the distance separations between A through D which deal with marijuana use and social use venues. She expressed that she really likes this amendment as it opens up the opportunity for businesses that have been shut down unilaterally by the current code. She thinks this is a very pro-business Commission, and no one knows their wards better than each Commissioner and Councilmember for those wards. She did not believe amending the code would have an affect where decisions will be made in an arbitrary and capricious manner any more than any other; it merely opens the wards up for businesses. She also liked the fact that they get to have a conversation and come to the table. This is a feel good statute for her and she is ready to hear it and vote on it at this time.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Jeff Rogan to Hold in Abeyance to 3/10/2020

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sam Cherry, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan; Against-Sigal Chattah, Anthony Williams, Louis De Salvio;

38. DIR-78185 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT: NINETY FIVE MANAGEMENT, LLC - OWNER: KAG PROPERTY, LLC, ET AL - For possible action on a request for AN AMENDMENT TO SECTION 7.06 OF THE FIFTH AMENDMENT AND RESTATEMENT OF THE SKYE CANYON DEVELOPMENT AGREEMENT on approximately 1,032 acres at the northwest corner of Grand Teton Drive and Grand Canyon Drive (APNs Multiple), Ward 6 (Fiore) [PRJ-78186]. Staff recommends APPROVAL.

Minutes:

This item was pulled forward subsequent to Items 21-24.

CHAIR DE SALVIO declared the Public Hearing open.

PETER LOWENSTEIN, Deputy Planning Director, stated this amendment seeks to extend the date in which all interim improvements of the Sheep Mountain Parkway from Grand Teton Drive to Iron Mountain Road are to be completed, so as to eliminate conflicts and reduce redundant roadway construction efforts. The language has been agreed to by the City and the Master Developer and will replace Section 7.06(vi) of the agreement in its entirety.

ATTORNEY JOHN SULLIVAN was present and indicated he was available to answer questions.

CHAIR DE SALVIO declared the Public Hearing closed.

Motion made by Trinity Haven Schlottman to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Sigal Chattah, Anthony Williams, Sam Cherry, Louis De Salvio, Trinity Haven Schlottman, Donna Toussaint, Jeff Rogan;

**Citizens Participation:**

39. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Planning Commission. No subject may be acted upon by the Planning Commission unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

The meeting was adjourned at 8:03 p.m.

Respectfully submitted:

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Debra A. Outland, Deputy City Clerk

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Cheyenne LaRance, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor  
Clark County Government Center, 500 South Grand Central Parkway  
Grant Sawyer Building, 555 East Washington Avenue  
City of Las Vegas Development Services Center, 333 North Rancho Drive