

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

February 9, 2022

BRIEFING

5:30 p.m., Caucus Room, 2250 Las Vegas Boulevard North,
North Las Vegas, Nevada 89030

CALL TO ORDER

6:00 PM, Council Chambers, 2250 Las Vegas Boulevard North,
North Las Vegas, Nevada 89030

ROLL CALL

COMMISSIONERS PRESENT

Commissioner Kraft
Chairman Warner
Commissioner Greer
Vice Chairman Berrett (via Phone)
Commissioner Calhoun
Commissioner Guymon
Commissioner Riley

STAFF PRESENT

Land Development and Community Services Director Jordan
Assistant City Attorney Aguayo
Planning and Zoning Manager Eastman
Principal Planner Michaels
Deputy City Clerk Rodgers

PLEDGE OF ALLEGIANCE - BY INVITATION

Commissioner Riley

PUBLIC FORUM

There was no public participation.

AGENDA

1. Approve Planning Commission Regular Meeting Agenda of February 9, 2022. (For Possible Action)

ACTION: APPROVED

MOTION: Chairman Warner

AYES: Commissioners Kraft, Greer, Berrett, Calhoun, Warner, Riley

NAYS: None

ABSTAIN: None

ABSENT: None

CONSENT AGENDA

2. Approve Planning Commission Regular Meeting Minutes of December 8, 2021. (Citywide) (For Possible Action)

ACTION: APPROVED

MOTION: Commissioner Kraft

AYES: Commissioners Kraft, Greer, Berrett, Calhoun, Warner, Riley

NAYS: None

ABSTAIN: None

ABSENT: None

BUSINESS

3. SUP-80-2021 BJ'S RESTAURANT (Public Hearing). Applicant: BJ's Restaurants, Inc. Request: A Special Use Permit in a C-2 (General Commercial District) to Allow a Full "On-Sale" Liquor License in Conjunction with a Restaurant. Location: Southwest Corner of Craig Road and Arcata Way. (APN 139-02-311-001) (Ward 2) (For Possible Action)

Principal Planner Michaels presented the item and stated that the applicant did comply by submitting a survey plaque, which indicates that the proposed establishment complies with the 400 foot separation requirement from any school, park, daycare or church. The applicant has a building permit for the restaurant portion of the project, which is currently under review. Staff recommends approval subject to conditions.

Commissioner Guymon arrived to the meeting at 6:05 p.m.

Jared Taylor 5847 Brace Rd. Lomis CA 95650 represented the applicant and agreed to the recommended conditions that were available for questions.

Chairman Warner opened the public hearing and having no requests to speak, closed the public hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT, UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. APPLICANT MUST CONSTRUCT ALL REQUIRED 72 PARKING SPACES FOR THIS SPECIAL USE PERMIT.

MOTION: Commissioner Riley
AYES: Commissioners Kraft, Greer, Berrett, Calhoun, Guymon, Warner, Riley
NAYS: None
ABSTAIN: None
ABSENT: None

4. **SUP-85-2021 GREEN LEAF FARMS HOLDINGS, LLC - Cultivation (Public Hearing). Applicant: Green Leaf Farms Holdings, LLC. Request: A Special Use Permit in an M-1 (Business Park Industrial District) to Allow a Cultivation Facility for Marijuana. Location: 2935 Coleman Street. (APN 139-17-610-012) (Ward 2) (For Possible Action)**

Items number 4 and 5 were discussed together under item 4 and voted upon separately.

Principal Planner Michaels presented the item and stated that the applicant is requesting approval of this Special Use Permit to allow a cultivation and production facility for marijuana. The site is located at 2935 Coleman Street in the M1 Business Park Industrial District. The cultivation portion will be housed in an existing building that is approximately 6,500 square feet. This building will consist of flowering, drying, curing, and storage rooms as well as packaging areas. The production facility will occupy approximately 4,500 square feet for the extraction, infusing, and the creation of edibles. The building was constructed in 2006 and is in compliance with industrial design standards. Access to the site is from an existing driveway on Coleman Street. The site plan appears to indicate that the existing 20 feet of landscaping along Coleman Street is in compliance. The use requires approximately 14 parking spaces and the site does show that it is in compliance. However, the existing parking lot landscaping on the front and rear side of the building needs to be brought into compliance by removing weeds

and adding shrubs with the required 50% ground cover per Title 17. A cultivation and production facility for marijuana is permitted in the M1 Business Park Industrial District with the approval of a special use permit. Staff recommend approval of both applications subject to conditions.

Mark Bradley 5243 Sunny Beach Lane, Las Vegas NV 89118 applicant stated that the facility has been operating for 5 years and wants to move to a different address in North Las Vegas. The applicant states that there was previously an existing special use permit for the 2935 Coleman Street location and the applicant will be taking over the current lease. The applicant is available for any questions.

Chairman Warner opened the public hearing.

Annie L. Walker 2201 West Evans Ave, North Las Vegas NV 89032 Miss Walker stated that she attended the meeting on behalf of the community, the local park, and The Baptist Church. She stated that there is a marijuana facility on 7th Street that sometimes has a bad odor. She also stated that there is another marijuana facility of Cheyenne Avenue. She made the Commissioners aware that she is against these specific items on the Agenda. She mentioned that she has been in North Las Vegas for many years, has seen many things, and it ultimately leads to money. Miss Walker mentioned that there are also other members of the community present at the meeting, which are also against items 4 and 5.

Barbara Carter 2209 West Evans Ave, North Las Vegas NV 89030 Miss Carter stated that she is opposed to items 4 and 5 from the Agenda because there is already a marijuana facility on Owens Street. She mentioned that the smell is awful and there are times that she feels ill from the smell. She is concerned about her grandchildren and also has health concerns in regards to the smell.

Commissioner Riley asked Miss Carter how far would this facility be from her community and in reference to the smell, what exactly was it. Commissioner Riley stated that maybe the applicant should address these questions.

Chairman Warner closed the public hearing.

Mark Bradley 5243 Sunny Beach Lane, Las Vegas NV 89118 applicant stated that he had a proper radius study done and that the closest residential house was about 1,500 feet. He stated that he understands the communities concerns and that at the previous facility they had proper Carbon and HEPA filters. He mentioned that in the previous facility they weren't able to smell anything from the outside. Applicant stated that there are other facilities in which there is a strong smell coming from the building, but that his facility is small. The cultivation area is 6,500 square feet, but 3,000 square feet of the area contains only the flower. The applicant mentioned that he is coordinating with the architect to add an extra layer of insulation placed on the inside of the tiltop in addition to additional insulation inside and outside of the roof. Therefore, there will be no smell of cannabis coming from the facility. The production facility does not have a smell since

what they are producing is pain creams or edibles. Applicant also added that there was previously a special use permit for a different company at the same location. However, it was never constructed.

The applicant responded to Commissioner Riley's odor question, stating that the smell was from the plants. He further stated that he has looked for a location to relocate his facility for 11 months. He stated that it is nearly impossible to find a location within their timeframe before they lose their business license. Applicant states that millions of dollars in investments and taxes paid to the City of North Las Vegas, would be lost by not having this location. That loss would cause hardship.

The applicant responded to Commissioner Guymon's license question, stating that he is requesting two licenses. The first license would be for the production of the flower. This will allow the extraction of oil from the flower in order to produce pain creams and/or edibles. The applicant also mentioned that there is 3,000 square feet assigned for the cultivation of flowers which will be in a contained room with a filtration system. In order to detect the odor from the flowers, someone would have to place their nose to the door, and even then the odor would be faint. The applicant added that even from the parking lot, which is 1,500 feet away from the building, the odor would not be detectable.

The applicant responded to Commissioner Guymon's building question, stating that the building was 23 feet to the top of the truss. The building is only 12,500 square feet and it includes offices, which makes this a small location compared to others.

Principal Planner Michaels responded to Commissioner Kraft's odor question, stating that it is a requirement for marijuana and cultivation facilities to control the odor. Michaels also stated that if residents are having issues with the odor, they can contact Code Enforcement or the State of Nevada to file a complaint.

Land Development and Community Services Director Jordan responded to the Commissioner's odor question, stating that most requirements are based on the Nevada Revised Statutes. The odor should all be contained inside the building. There should not be any detectable odor coming from outside the facility. Previously, when other marijuana facilities did not comply with the odor requirement, they would address it through the Business License or Code Enforcement Department. In other instances, they would call inspectors at the Cannabis Compliance Board, which would then visit these facilities and offer suggestions on how to minimize the odor. The applicant wanted to add that across the street from the facility, there is a tomato plant. He mentioned that the tomato plant has a very strong odor and therefore, would be hard to smell the production of the flower. The applicant also stated that the owner of the building is present and advised that if this item is not approved, he will also suffer financial losses.

Principal Planner Michaels responded to Commissioner Kraft's current special use permit question, stating that on April 8, 2020, the Planning Commission approved a special use permit to allow production of marijuana edible and infused products but not cultivation. The applicant stated that the reason why the last facility only had a special use permit for production was because that was the only intended use. However, the current zoning allows for both production and cultivation. Chairman Warner asked the applicant if his licensing was for both. The applicant confirmed that it was indeed. Chairman Warner asked if there were any other questions, and Commissioner Riley advised that he had a few questions.

The applicant responded to Commissioner Riley's question by stating that he has not met or provided any information to the community in regards to his production and cultivation of marijuana. The applicant stated that meeting or providing information to the community only happens if the facility is a dispensary. A facility in an industrial area has not residential neighbors within a 500 feet radius, therefore, meeting with the community was no part of the process.

The applicant responded to Commissioner Riley's HVAC question, stating that HEPA filters, positive pressure, and carbon filters have been installed throughout the facility. The odor would not be detectable inside or outside. Commissioner Riley addressed the public regarding their concerns about the odor. He stated that he is familiar with what the applicant is referring to in regards to carbon filters (he has not been able to see a blue print) but if there is, special filters in the HVAC system that should minimize the odor. Commissioner Riley noticed that a woman in the public nodded her head and asked her if she knew more about this than he did. He then asked her to step to the podium to speak.

Chairman Warner re-opened the public hearing.

Clarissa Lanier 2201 W. Evans Ave, North Las Vegas NV 89032 Miss Lanier stated that the applicant does not live in the neighborhood but wants to place the facility in their community. Miss Lanier stated that the odor was present overnight and not during the daytime. She stated that around 12:00am or 1:00am, she detects the odor. She stated that she does not want to stop progress anywhere, but this facility would be in her backyard and that is the problem. She stated that there are currently three facilities in the area and if this one is approved, it would total four facilities in the neighborhood. She also stated that it was not fair to them. She was born and raised in Las Vegas, Nevada; she has seen it up and down. She is glad that new businesses are coming to North Las Vegas. However, she has an issue with a marijuana facility being so close to her church and from where children play in the neighborhood. She stated again that this was not fair and that it was not just about money.

Principal Planner Michaels responded to Commissioner Guymon's facility filter question, stating that the applicant will need to meet state requirements to avoid issues with odors. However, special use permits are required for the use of it.

Chairman Warner closed the public hearing and called for a motion on items 4 and 5.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT, UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. EXISTING LANDSCAPING IN FRONT, SIDE AND REAR FRONT OF THE BUILDING NEEDS TO BE BROUGHT INTO COMPLIANCE WITH REMOVAL OF THE WEEDS AND ADD SHRUBS TO MEET WITH REQUIRED 50% OF GROUND COVER PER TITLE 17 REQUIREMENTS BEFORE A BUSINESS LICENSE WILL BE ISSUED.
3. VERIFICATION THAT THE STATE OF NEVADA HAS APPROVED RELOCATION BEFORE A BUSINESS LICENSE WILL BE ISSUED.
4. THE SPECIAL USE PERMIT SHALL EXPIRE AND DEEMED NULL AND VOID IF THE APPLICANT FAILS TO FULFILL ANY AND ALL CONDITIONS, STIPULATIONS, AND LIMITATIONS WITHIN ONE (1) YEAR FROM THE PUBLIC MEETING DATE WHICH THE SPECIAL USE PERMIT WAS APPROVED.

MOTION: Commissioner Kraft
AYES: Commissioners Kraft, Greer, Berrett, Warner
NAYS: Commissioners Calhoun, Guymon, Riley
ABSTAIN: None
ABSENT: None

5. **SUP-86-2021 GREEN LEAF FARMS HOLDINGS, LLC - Production (Public Hearing). Applicant: Green Leaf Farms Holdings, LLC. Request: A Special Use Permit in an M-1 (Business Park Industrial District) to Allow the Production of Edible Marijuana Products or Marijuana-Infused Products. Location: 2935 Coleman Street. (APN 139-17-610-012) (Ward 2) (For Possible Action)**

Items number 4 and 5 were discussed together under item 4 and voted upon separately.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT, UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. EXISTING LANDSCAPING IN FRONT, SIDE AND REAR FRONT OF THE BUILDING NEEDS TO BE BROUGHT INTO COMPLIANCE WITH REMOVAL OF THE WEEDS AND ADD SHRUBS TO MEET WITH REQUIRED 50% OF GROUND COVER PER TITLE 17 REQUIREMENTS BEFORE A BUSINESS LICENSE WILL BE ISSUED.
3. VERIFICATION THAT THE STATE OF NEVADA HAS APPROVED RELOCATION BEFORE A BUSINESS LICENSE WILL BE ISSUED.
4. THE SPECIAL USE PERMIT SHALL EXPIRE AND DEEMED NULL AND VOID IF THE APPLICANT FAILS TO FULFILL ANY AND ALL CONDITIONS, STIPULATIONS, AND LIMITATIONS WITHIN ONE (1) YEAR FROM THE PUBLIC MEETING DATE WHICH THE SPECIAL USE PERMIT WAS APPROVED.

MOTION: Commissioner Kraft
AYES: Commissioners Kraft, Greer, Berrett, Warner
NAYS: Commissioners Calhoun, Guymon, Riley
ABSTAIN: None
ABSENT: None

6. SUP-87-2021 KOOLSVILLE TATTOO SHOP (Public Hearing). Applicant: Koolsville Tattoo Parlor. Request: A Special Use Permit in a C-2 (General Commercial District) to Allow a Tattoo Establishment. Location: 2525 North Las Vegas Boulevard. (APN 139-13-410-029) (Ward 1) (For Possible Action)

Planning and Zoning Manager Eastman stated that the applicant is proposing the following hours of operation; Monday through Thursday 11:00am to 11:00pm, Friday and Saturday, 11:00AM to 12:00AM; and Sunday 1:00PM to 8:00PM. This is within the north redevelopment area and the site is going to occupy the entire building of a small 1600 square foot existing building. In prior conversations with the applicant's representative, they indicated that they would have two tattoo artists at the facility. They also mentioned that there would be renovations to the inside of the building which would take 2 months. Reviewing the site plan, staff does have some concerns regarding

parking. By code, the site should have 6 parking spaces and it currently has 5. However, a use can be converted to another use as long as a maximum extent possible of parking is provided. To help ensure that, the back of the building has a gated storage area; the gate needs to remain open during business hours. In addition, there is also a very narrow piece of raw dirt between the building and sidewalk. Staff is recommending the applicant add some small shrubs to the area. Staff recommends approval subject to conditions.

Rusty Graf 10777 W Twain Ave Ste 300. Las Vegas NV 89135 represented the applicant, agreed to the recommended conditions and was available for questions.

Chairman Warner opened the public hearing and having no requests to speak, closed the public hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THE APPLICANT SHALL REMOVE THE EXISTING GATE FACING WEBSTER STREET OR ENSURE THE GATE REMAINS OPEN DURING BUSINESS HOURS.
3. THERE IS A TWO (2) FOOT AREA BETWEEN THE BUILDING AND THE EXISTING SIDEWALK ADJACENT TO WEBSTER STREET THAT SHALL BE UPDATED WITH DECORATIVE ROCK AND DROUGHT TOLERANT SHRUBS OR DECORATIVE FEATURES SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING AND ZONING DIVISION.

MOTION: Commissioner Guymon

AYES: Commissioners Kraft, Greer, Berrett, Calhoun, Guymon, Warner, Riley

NAYS: None

ABSTAIN: None

ABSENT: None

7. **SUP-84-2021 OWENS & STOCKER (Public Hearing). Applicant: TTT Services LLC. Request: A Special Use Permit in an M-2 (General Industrial District) to Allow a Junkyard or Salvage Yard/Center. Location: 130 West Owens Avenue. (APN 139-22-811-029) (Ward 1) (For Possible Action)**

Planning and Zoning Manager Eastman stated that this site was previously operating under a special use permit, UN 8698, which was approved by the Planning Commission on December 9, 1998, to allow a salvage center. The salvage center was operating on the southern side of the site. The applicant is requesting to expand and use the entire site of the parcel. The staff found that the previous existing special use permit had several code violations from Code Enforcement, predominately for noncompliance with the existing conditions of approval. Conditions of approval did not allow for expansion to the northern portion of the parcel. Code violations included having salvage and junk materials that did not fall under the special use permit and the junk yard not properly screened which allowed the pile to get above their screen wall. In addition, there have been a total of 13 violations, with the most recent one being from last year. The neighboring uses currently include a Salvation Army located to the south; an office warehouse complex located to the east; the railroad to the west, and an approved marijuana cultivation and production facility to the north. The neighborhood in general is a small M2 development that is against the railroad to the west and multifamily development to the east, making the industrial area narrow. To the north is additional industrial developments in the form of small warehouse offices. Reviewing the proposed expansion, staff has to ensure that all items have met the criteria for a special use permit. The Planning Commission has to verify that the site is in compliance with the 5 required zoning ordinances.

The first criteria is that the proposed use is consistent with the master plan and all applicable provisions of the code and applicable state and federal regulations. The site is covered under the comprehensive master plan, and because of its location in downtown, it is also covered by the redevelopment plan, the downtown master plan and investment strategy. Planning and Zoning Manager Eastman stated that by reviewing the criteria, they are looking to create a thriving downtown that is harmonious with the neighborhood. The City is trying to beautify downtown by implementing policy statements in the comprehensive master plan that encourage the redevelopment and beautification of the downtown area. Staff does not think that expanding the existing salvage operation meets the intent of creating a thriving downtown city center. Reviewing the downtown master plan and investment strategy, it is very similar to our comprehensive master plan. Planning and Zoning Manager Eastman emphasized the goal of creating an aesthetically appealing downtown to bring more opportunities to the expansion of the redevelopment plan. Therefore, the staff believes that this item will not align with the current intent.

The second criteria is that the proposed use be consistent with the purpose and the intent of the zoning district in which it is located and/or any applicable use-specific standards and criteria in the code. The site is currently in the M2 General Industrial district with intent to provide for the development of uses. Because of the nature of their operation, generated traffic, and omissions would not be compatible with land uses in other districts. Nevertheless, these facilities are necessary and desirable activities in the city. The provision for non-industrial use, banks etc., should be limited in this particular district. The reason for a special use permit is to ensure that it is

compatible with the adjacent and nearby neighbors. Even though it is in the M2 district, certain circumstances can make the facility incompatible with neighboring uses. In this case, there is a multifamily development located to the east of the facility and is not compatible with the proposed salvage operation. Additionally, when observing the neighborhood, staff agreed that the neighborhood had changed over time. In 1998, when this location was approved for a special use permit, the use to the west of the railroad tracks was an auto impound yard; to the east of the site was a recycling center for metals. The salvage center, when originally approved in 1998, was compatible with the surrounding neighborhood. Since then, the auto impound to the west is now a marijuana cultivation and production facility. The site immediately to the east has been converted to an office warehouse complex and multifamily homes. In that regard, staff does not feel that expanding the salvage operations would meet the intent of the zoning code and is not compatible with number 3, or with adjacent uses because of the nature of the salvage operation.

Planning and Zoning Manager Eastman advised that criteria number 4 states, "Any significant adverse impacts anticipated as a result from the use will be mitigated or offset to the maximum extent practicable". When the special use permit was originally approved, staff compiled together a list of conditions to help mitigate and reduce the impact on the neighborhood. In general, the conditions were to provide more screening, create buffering, and reduce traffic to the best of their ability then when originally approved in 1998. As stated before, there are a number of code violations of the conditions of approval. Applicant is operating outside of the definition of a salvage center. Other debris and trash should not be on site. There was a physical visit to the site and pictures in which confirm this information. The site has been operating beyond the means and borders in which they were originally approved. Therefore, the applicant has not met or mitigated the anticipated impact because of several use violations.

The fifth criteria is that services such as water, gas, electricity, police, fire protection, road and transportation as applicable, would be available to serve the subject property while maintaining adequate levels of service for existing development. Staff does not feel that this is appropriate because of the large numbers of truck traffic that would be generated with the expansion of the salvage center. In addition, Stocker Street is a 50 foot Right-Of-Way and Water Avenue, to the north, is 52 feet wide at the intersection with Stocker Avenue, which reduces it to 40 feet in width. Staff does not feel that either roadway is compatible or suitable for truck traffic that would be created with the expansion. Therefore, staff recommended that this item be denied. However, if the applicant finds that these items can be met and have been met, staff does have conditions of approval to try and mitigate the impact on residential neighbors.

Melissa Erie 1055 Whitney Ranch #210, Henderson NV 89014 demonstrated the Junk Vehicle Exhibit that showed the vehicles that are currently on the salvage site. She then explained how these cars end up in the salvage center from car accidents or the life of the vehicle has expired. Customers then come to the salvage center where the vehicles are stripped for parts or purchase a vehicle that is whole to rebuild it. Once there are no parts left on the vehicle, it is considered a car hulk and hazardous materials are removed such as the battery, engine oil, gasoline, antifreeze, transmission etc. Once these hazardous materials are removed, the vehicle becomes scrap metal. Melissa showed a second plan of the site demonstrating how the vehicle looked once it became scrap metal. The scrap metal then gets crushed into cube-size pieces to be loaded onto commercial trucks and exported. Therefore, the applicant is requesting that the site operate just for scrap metal, not for selling parts of the vehicles. Applicant has 20-30 trucks that export the cube-size scrap metal out of their site. Applicant is willing to limit access if the special use permit is approved by the commissioners. As part of the conditions, the applicant is willing to have no ingress or egress off Water Street in order to mitigate and work with the neighborhood. The applicant is also willing to eliminate the Ingress, but would like to keep the egress as it is now on the site. Melissa presented a third plan that showed the corner of Owens & Stocker Street. She stated that the street is at an incline, therefore making it harder for a commercial truck to get to the site and make the turn. Again, this is only for 20-30 trucks a month, which averages about 1 truck a day and will not be more than the surrounding warehouses.

Todd Lohse 130 W Owens, North Las Vegas NV 89131 the applicant stated that when the salvage site was purchased, the primary operation was fiber, cardboard, and styrofoam. These items were all hauled by the applicant to other facilities; they were allowed to take the material. The applicant mentioned that they are 100% scrap metal exporters and do not produce any waste on the site. Any scrap metal that is brought to the site is then recycled and exported. The applicant stated that they have filed the required documents that reflect this information. The applicant was available for any questions.

Melissa Erie 1055 Whitney Ranch #210, Henderson NV 89014 represented the applicant and demonstrated additional plans that showed current site photos. She mentioned that photo number 1 was taken from Stocker Street looking towards the site and shows that there wasn't any material visible or over the wall. Photo number 2 was taken from the Union Pacific Railroad, which the facility allowed the applicant to enter and take pictures from their location. The pictures showed that there was no material visible or over the wall. Picture number 3 and 4 were taken from Water Street looking towards the back gate of the facility; there was no material visible or over the wall as well. Pictures 6, 7, 8, and 9 showed the northern part of the site; it displayed the current equipment that was being stored at the site. Picture number 10 showed that there was a wall that contained the salvage to the south part of the site. Picture 11, 12 and 13 showed some of the salvage scrap that was currently at the site which the applicant is working on.

Melissa Erie demonstrated a plan called Junk Vehicle Exhibit that showed the vehicles that are currently at the salvage site. She then explained how these cars end up in the

salvage center from car accidents or the life of the vehicle has expired. Customers then come to the salvage center where the vehicles are stripped for parts or purchase a vehicle that is whole to rebuild it. Once there are no parts left on the vehicle, it is considered a car hulk and hazardous materials are removed such as the battery, engine oil, gasoline, antifreeze, transmission etc. Once these hazardous materials are removed, the vehicle becomes scrap metal. Melissa showed a second plan of the site demonstrating how the vehicle looked once it became scrap metal. The scrap metal then gets crushed into cube-size pieces to be loaded onto commercial trucks and exported. Therefore, the applicant is requesting that the site operate just for scrap metal, not for selling parts of the vehicles. Applicant has 20-30 trucks that export the cube-size scrap metal out of their site. The applicant is willing to limit access if the special use permit is approved by the commissioners. As part of the conditions, the applicant is willing to have no ingress or egress off Water Street in order to mitigate and work with the neighborhood. The applicant is also willing to eliminate the Ingress, but would like to keep the egress as it is now on the site. Melissa presented a third plan that showed the corner of Owens & Stocker Street. She stated that the street is at an incline, therefore making it harder for a commercial truck to exit the site and make the turn. Again, this is only for 20-30 trucks a month, which averages about 1 truck a day and will not be more than the surrounding warehouses.

In addition, expanding would make the site safer and code compliant. The expansion would also create local employment since the applicant would need to hire about 6 to 10 additional employees. Melissa mentioned that on item two, the staff requested the applicant provide landscaping for the area alongside Owens Street; the applicant does not oppose. However, there are a few concerns the applicant has. There has been an increase in the homeless population in the area and by planting trees it would be more appealing to the homeless people to camp under. The applicant is asking to work alongside staff to mitigate how they could add larger shrubs and ground cover that would be defensive and would prevent homeless people from wanting to camp under. The applicant asked for item two to be amended to add this language or to be approved by the Land Development and Community Services department. Melissa was available for any questions. Chairman Warner opened the public hearing, and having no requests to speak, closed the public hearing.

The applicant responded to the commissioner's Calhoun question by stating that they had owned the salvage site for six months and had been cleaning it for 1 year prior to the purchase date. The applicant also advised that they do not intend to harvest parts or junk pile the vehicles on the site. They only want the scrap metal part of the vehicle. The applicant responded to another question by the commissioner and confirmed that when the vehicles arrive at the site they are stripped down. The applicant also added that they are constantly monitored by the Health Department and cannot have vehicles stripped at the site. The applicant responded to the commissioner by explaining that the 18 violations that the site currently has were from the past owner. The applicant states that when he bought the property, he was blindsided by the amount of violations it currently had. The seller did not disclose any of the violations during the transaction. Applicant states that since working on the site, the area now is very clean and presentable.

Commissioner Berrett stated that the site had been there for 20 years and during that time, homes and other businesses were built around the salvage site. He does not feel it is right to expect the new owner of the salvage site to relocate or build up to the new standards in the area. He also stated that from the photos provided by staff and the new photos provided by the applicant, he could clearly see the improvements that had been made to the site. He stated that the way this land was zoned before, it is unfair to blame the new owner for the past owners mistakes.

Planning and Zoning Manager Eastman responded to Commissioner Greer's question and stated that the redevelopment agency did review and submitted a memo recommending the expansion be denied. Since the site is in the redevelopment area, it is subject to the redevelopment plan and subject to the downtown master plan. There are certain objectives of the redevelopment plan which are to help eliminate environmental deficiencies, to help and redesign underdeveloped areas which are stagnant or improperly utilized. Other objectives are to help strengthen commercial and residential functions within the downtown area, diversifying the economic base of the redevelopment area as well as the community. In addition, the redevelopment plan was implemented to create and create performance standards to ensure better design standards and environmental qualities within the entire redevelopment area. Staff does not feel that allowing the expansion would meet the objectives of the redevelopment area.

Chairman Warner stated that he drives by any piece of land that is on the Planning Commission agenda. He stated that he visited the salvage site and met with the applicant to walk the site. Chairman Warner stated that he found the pictures to be extremely representative of the site; he could not see any material over the wall from below. Chairman Warner also mentioned that the applicant should not be held responsible for the past owner's violations. He stated that he can see the applicant is making an effort to correct those violations. Chairman Warner stated that he understands the redevelopment plan but he wants to know if staff have come to an agreement on what needs to be done to accept the request and if the applicant is willing to comply with the conditions.

Planning and Zoning Manager Eastman responded to Commissioner Warner's concern and stated that if the board chooses to approve the item then the amendments to the conditions would be to condition number 2 to read, "The applicant shall provide landscaping along Owens Avenue, including trees and shrubs in compliance with Title 17 or as otherwise approved by the director of Land and Development Community Service." Condition number 5 would also need to be amended to read, "A barrier shall be provided to prevent vehicle use on any undeveloped portion of the site." As a reminder, when the marijuana cultivation facility was present, they did provide landscaping which included some trees and shrubs on their site, which has a similar slope as the salvage site.

Melissa Erie responded to Chairman Warner's question regarding the landscaping and stated that they will accept the conditions staff has in order to expand the salvage site. However, they would like to mitigate with staff to use larger shrubs instead of trees in order to prevent transients from camping in the area. Melissa Erie also reminded the staff that on condition 9, they would be allowed to egress on Water Street.

Chairman Warner stated that when he walked on Water Street, he noticed that it was a nice road with easy parking. As he continued to walk through the salvage site, he noticed that the flow of the truck coming in and out was easy. He also drove around the area to see if this flow of trucks would affect the neighborhood and it still seemed like an easy flow.

Planning and Zoning Manager Eastman responded to Chairman Warner's statement by stating that the concern was the movement impact the trucks would have on Stocker Street and impact on the residents to the east.

Chairman Warner asked the applicant what size are the trucks he uses for the salvage site. Applicant responded by saying that trucks are 48' feet long, not including the cab.

Melissa Erie stated that she understands that staff wants to mitigate truck traffic and the applicant is suggesting to only have the trucks egress through Water Street. Melissa stated that the salvage site does not have loading docks in order to create truck traffic in the area.

Commissioner Guymon stated that the applicant mentioned there would only be one truck a day. She wanted to know if the applicant knew the time the truck would arrive. Applicant responded by saying that it varies, but typically it can be in the morning.

Commissioner Berrett asked the staff if there were currently any driving restrictions on the site. Planning and Zoning Manager Eastman stated that he does not have the current conditions of approval for the existing special use permit on hand but at the time it was for the southern side of the site. When the previous special use permit was approved the northern portion was nonexistent and there was not direct access as well. The entry point through the northern part of the site became available as time passed.

Melissa Erie stated that one of the conditions the applicant is willing to agree to is changing the hours of operation to 7:00AM – 7:00PM Monday through Saturday.

The applicant responded to Commissioner Calhoun's question by stating that he knows some of the neighbors and has never heard of any complaints in regards to the salvage site. Applicant states that they have a good relationship with the neighbors to the east and keep the area quiet.

Melissa Erie stated that trucks avoid residential areas since the streets are small. Truck drivers prefer to stay on main streets, which allows them to easily ingress back into the flow of traffic.

Commissioner Berrett stated that he was ready to make a motion to approve the agenda item with condition number 2 to be modified and amend condition 9.

ACTION: APPROVED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS:

1. UNLESS EXPRESSLY AUTHORIZED THROUGH A VARIANCE, WAIVER OR ANOTHER APPROVED METHOD, THIS DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THE APPLICANT SHALL PROVIDE LANDSCAPING ALONG OWENS AVENUE, INCLUDING TREES AND SHRUBS IN COMPLIANCE WITH TITLE 17, OR AS OTHERWISE APPROVED BY THE DIRECTOR OF LAND DEVELOPMENT AND COMMUNITY SERVICES
3. OUTSIDE STORAGE SHALL BE SCREENED FROM VIEW WITH AN EIGHT-FOOT-HIGH SOLID MASONRY WALL. THE WALL ALONG WATER AVENUE SHALL BE DECORATIVE.
4. OUTSIDE STORAGE SHALL NOT EXCEED THE HEIGHT OF THE REQUIRED WALL.
5. A BARRIER SHALL BE PROVIDED TO PREVENT VEHICLE USE ON ANY UNDEVELOPED PORTION OF THE SITE.
6. ACTIVITIES, INCLUDING STORAGE, SHALL BE LIMITED TO A PAVED SURFACE TO MITIGATE DUST.
7. THAT APPLICANT SHALL BE LIMITED TO THE HOURS OF OPERATION BETWEEN 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH SATURDAY.
8. PARKING, BACKING OR MANEUVERING OF TRUCKS ON PUBLIC STREETS SHALL BE PROHIBITED.
9. BUSINESS INGRESS SHALL NOT BE PERMITTED FROM WATER AVENUE.

MOTION: Vice Chairman Berrett
AYES: Commissioners Kraft, Berrett, Guymon, Warner, Riley
NAYS: Commissioners Calhoun
ABSTAIN: Commissioners Greer
ABSENT: None

STAFF ITEMS

There were no additional items.

COMMISSION ITEMS

There were no additional items.

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

Chairman Warner adjourned the meeting at 7:40PM

APPROVED: **May 11, 2022**

George H. Warner, Chairman

Daisy Rivera, Deputy City Clerk II