

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE JULY 30, 2018 SPECIAL MEETING/TELECONFERENCE**

Members in Attendance: Gregory T. Hafen II
Beth Lee
Leah-Ann DeAnda
Derek Fowler
Gary Bennett
Carol Curtis

Members Absent: Tom Duryea

Planning Staff: Steve Osborne
Celeste Sandoval
Brett Waggoner, via telephone
Cheryl Beeman

District Attorney's Staff: Ronni Boskovich

Public Works Staff: Cody McKee

Other Attendees: Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
DCP	=	Dust Control Plan/Dust Control Permit
NAC	=	Nevada Administrative Code
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
VR	=	Village Residential

1. Pledge of Allegiance/Call to Order

Meeting was called to order at 2:00 pm.

- 2. Public Comment (first)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 2:01 pm with no comments.

- 3. For possible action - Approval of / Modifications to the Agenda:** Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.
None.

4. Correspondence and Announcements

None.

5. Commission/Committee/Director Reports:

- a. BOCC Liaison Report - BOCC Liaison – John Koenig

None.

- b. Director’s Report

None.

6. **Ex Parte Communications and Conflict of Interest Disclosure Statements**

None.

7.

- a) **For Possible Action – CU-2018-000050 (Continued from the June 13 and July 11, 2018 RPC Meetings)**: Public hearing, discussion, deliberation and possible action on an application for a Conditional Use Permit for a swap meet/farmer’s market on a Neighborhood Commercial (NC) zoned parcel, on approximately 1.20 acres of property located at 2401 S. Homestead Road, Calvada Valley Unit 1, Block 1, Lot 3, Assessor Parcel Number 042-391-17. Bertha Galan Kern – Property Owner/Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (CB)**

- b) **For Possible Action - ZC-2018-000023 (Continued from the July 11, 2018 RPC Meeting)**: Public hearing, discussion and deliberation on an application for a Conforming Zone Change from Neighborhood Commercial (NC) to General Commercial (GC), on approximately 1.20 acres located at 2401 S. Homestead Road, Calvada Valley Unit 1, Block 1, Lot 3, Assessor Parcel Number 042-391-17. Bertha Galan Kern – Property Owner/Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for August 21, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced.) (CB)**

Cheryl Beeman reviewed her staff report, staff recommends approval of the conforming zone change but can’t find sufficient justification to approve the CUP. The applicant has indicated she will not connect the property to available water and sewer, has also not provided us with a conceptual site plan. We will require Site Development and asphalt improvement. Many other swap meets in the valley have compacted gravel with no other improvements provided.

Commissioner Hafen asked for clarification that the conditions of approval if the board were to make a determination to find findings for the CUP. These are not conditions of the ZC. And staff’s recommendations are to approve the ZC but deny the CUP.

Ms. Beeman stated yes.

Commissioner Curtis asked why no site plan been presented showing anticipated vendor spaces and parking. She is concerned about off street parking and parking on other properties.

Ms. Beeman stated a conceptual site plan was not provided but there is a statement within the code that approval is subject to the next level review which is an engineered site plan. With site development she will have to address onsite parking, vendor storage spaces etcetera. This is a swap meet that just may end up being an undeveloped parcel.

Commissioner Curtis asked what would prevent off street parking.

Ms. Beeman stated the CUP would, in the conditions of approval.

Bertha Kern, applicant, stated she is willing to do whatever the Planning Committee suggests to her. She will do some improvement and water and sewer, but will do it slowly. She can do some paving for parking.

Commissioner Hafen asked if she understands staff is recommending denial.

Ms. Kern asked what her next step is.

Commissioner Hafen stated the board hasn't made a determination but wants to help her understand the process.

Ms. Kern asked if she has to apply again and pay the fees.

Commissioner Hafen stated if she is denied she would have to wait a year to apply again or appeal the decision, depending on the boards decision. There is a recommendation to deny the CUP and approve the ZC. He asked the applicant if the CUP is denied would she still want the ZC.

Ms. Kern stated yes.

Commissioner Lee asked if she has read the conditions of approval and understands all that is being asked of her if she is approved.

Ms. Kern stated yes, she said she will do it but slowly not at once.

Commissioner Lee stated staff's report says you want to drill a well.

Ms. Kern stated she talked to them and she can't do it.

Commissioner Lee asked if she talked with the utility company and asked what it will cost.

Ms. Kern stated she will wait and let someone else. It is too much for her. They said the contract from Maverick expires in 8 years. She is going to pay the regular connection fee.

Commissioner Lee asked what she envisions what her swap meet will be like hours of operation.

Ms. Kerns stated she will only be open Fridays and Saturdays from 8:30 to 3:30. It is really seasonal and if its hot she won't open it.

Commissioner Lee asked staff what the time limit is for the CUP if it is approved.

Commissioner Hafen stated 12 months.

Commissioner Lee stated if this is approved you will have to have things done within the 12-month time frame. You have to correct your code violations within 30 days, apply for business license, submit a site development plan. Is this something that can get done in 12 months.

Ms. Kern stated yes.

Commissioner Lee stated she will have to pave where she has parking and asked the applicant if she has gotten with a contractor for costs.

Ms. Kern stated she will accept minimal rentals and only good ones that don't cause trouble.

Commissioner Lee asked if she has talked with anyone for parking costs and if it can be done within the 12 months.

Ms. Kern stated yes.

Commissioner Fowler stated the paving and water and sewer are all concerns if he owned an adjacent property. He foresees some clientele using the Maverick restrooms.

Ms. Kern stated no, she is renting since April portable toilets. She can provide a male and female bathroom.

Commissioner Fowler stated that can be addressed if there is a complaint by the Maverick and staff's conditions.

Commissioner Bennett asked if the water hook up is required or not.

Ms. Beeman stated she has sheds on the property that are not connected and not required to be and there are no building codes with a requirement for a flea meet for a potable water source. Port-a-potties under the NAC they are temporary for special events. For a long-term solution port-a-potties haven't been approved by staff for use in the community.

Commissioner Bennett stated the applicant stated she didn't plan on connecting for 8 years or so.

Ms. Kern stated they told her to keep on checking, it is too much for her to just connect water and sewer. She told them she would wait.

Commissioner Hafen stated for disclosure he is the GM for Pahrump Utility and is a different utility that Ms. Kerns has been talking to about water and sewer.

Commissioner Curtis asked for clarification that if a flea market would be allowed in the NC zone and not require a zone change.

Commissioner Hafen stated flea markets are only allowed in GC with a CUP.

Public comment opened and closed at 2:26 pm with no comments.

Commissioner Koenig asked why they are recommending denial of the CUP and approval of the ZC. All this does is inflate the resale cost of the property and allow many other things to happen on the property other than the swap meet.

Ms. Beeman stated the Master Plan has dictated that this is a Community Development Area and GC zoning is an appropriate use for the property, it is located in an area that is accessible by major streets and highways and accessible by utilities. If GC enhances its value, then Ms. Kerns is within her rights to make that application. The CUP for a swap meet she has a hard time finding appropriate findings that would support that type of development at that location.

Commissioner Koenig stated the ZC is being asked for with the CUP, that is why they want the ZC. Approving the ZC allows for things on the property that aren't allowed now.

Mr. Waggoner stated he agrees with staff's recommendations based on the fact the ZC is within the property owner's rights.

Commissioner Fowler asked for clarification that any other major swap meets in town have port-a-potties.

Ms. Kern stated at the VFW has a port-a-pottie.

Ms. Beeman stated she went to the town office to see how many business licenses are being held for swap meets or flea markets and they have none. We do know there is one at the VFW and she is sure they can walk into the VFW and use their facilities. The RPC has heard another one this year and there is an existing building on the property with facilities.

Commissioner Hafen stated the farmers market at the former Wulfy's is paved and has restrooms.

Commissioner Hafen stated under finding #2, the surrounding properties are residential with a Business Overlay and asked if there are any businesses in operation or strictly residential uses at this time.

Ms. Beeman stated they are strictly residential and she is unaware of any businesses taking place.

Commissioner Hafen asked if the BO compares more with NC or GC.

Ms. Beeman stated the BO overlay allows for a business to be located on the property.

Commissioner Fowler stated he isn't sure the ZC makes sense to him either.

Commissioner Lee motioned to deny CU-2018-000050 based on staff's finding. Seconded by Commissioner DeAnda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Beth Lee, Carol Curtis, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda.

Commissioner Fowler motioned to recommend denial of ZC-2018-000023 based on discussion and the surrounding properties being residential with the BO Overlay. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Beth Lee, Carol Curtis, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda.

Ms. Beeman stated to Ms. Kern that the zone change will be recommended to the BOCC for final action.

Commissioner Hafen stated to the applicant she can get with staff to file her appeal if she chooses.

8.

- a) **For Possible Action – CU-2018-000051 (Continued from the July 11, 2018 RPC Meeting):** Public hearing, discussion, deliberation and possible action on an application for a Conditional Use Permit to allow a Fireworks Sales Establishment on a Mixed Use (MU) zoned parcel, located at 3640 S. Nevada Highway 160. Assessor Parcel Number

042-451-12. Interest Income Partners LP – Property Owner. Red Apple Fireworks Company, Ltd. - Applicant. Douglas Burda – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

- b) **For Possible Action – WV-2018-000070:** Public hearing, discussion, deliberation and possible action on an application for a Waiver from NCC 17.04.700 (Conditions and Safeguards for Issuance of Conditional Use Permits), to allow a Fireworks Sales Establishment less than 1,500 feet from residential properties, located at 3640 S. Nevada Highway 160. Assessor Parcel Number 042-451-12. Interest Income Partners LP – Property Owner. Red Apple Fireworks Company, Ltd. - Applicant. Douglas Burda – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

Steve Osborne stated Red Apple Fire Works was approved in 2011 for a CUP and Waiver from the 1500-foot residential separation. They are asking to move to the adjacent lot. Staff recommends approval of the applications.

Commissioner Hafen asked if they are abandoning the old building or utilizing both buildings.

Mr. Osborne stated he believes they are using both, but the old building is for storage.

Commissioner Fowler stated his business had done work on this building and it will not alter is judgement.

Dan Simmons agent for the applicant.

Commissioner Hafen asked for clarification on the TUP for the containers next door that is due to expire. Would he be amendable to have an additional condition of approval # 15 to have the storage containers removed within 30 days?

Mr. Simmons stated 30 days is fair and they do have plans to remove those and doing construction.

Commissioner Curtis asked if they own the property.

Mr. Simmons stated it is in escrow and they plan on building a warehouse.

Commissioner Curtis asked if they will abandon the location they are in presently since they are building a warehouse.

Mr. Simmons stated they will continue to use that as a store but use the warehouse for warehousing. All the firework stores are in discussions with the County to do something with their containers. They will keep the store where it is now and the property with the containers will be a warehouse with possible parking.

Commissioner Curtis asked if they are planning on occupying all the offices on the back of the building.

Mr. Simmons stated yes, it is possible there could be some expansion. They are occupying the building and open for business for the past year.

Commissioner Hafen stated a TUP was issued to the property allowing the containers. They have moved into the new building, the TUP is expiring next month and that is why

they are here to apply for the CUP today before the TUP expires. They aren't moving into another building.

Commissioner Curtis stated to be specific the front two buildings have offices at the back of those buildings. Will they be occupying the entire building or are there additional offices?

Mr. Simmons stated the offices in the back they don't plan on using.

Public comment opened and closed at 2:45 pm with no comments.

Mr. Osborne stated the applicant has already agreed to move those cargo containers by the 17th of next month.

Commissioner Hafen stated he would like it on the record that they have 30 days even if they file for an extension it is subject to the CUP.

Mr. Simmons asked if it could be 30-day extension from the date it expires.

Ronni Boskovich stated she spoke with Brett and he is under the impression it is August 3rd.

Mr. Osborne stated it expires August 3rd.

Commissioner Hafen stated for the CUP it needs to be 30 days.

Commissioner Lee motioned to approve CU-2018-000051 and WV-218-000070 both based on staff findings as outlined in the staff report. Seconded by Commissioner De Anda.

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

Yes: Beth Lee, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda.

No: Carol Curtis.

9. **Future Meetings/Workshops: Discussion and Direction Concerning Items for Future Meetings/Workshops; Set Date, Location and Time.**

Next meeting is August 15, 2018 at 6:00 pm.

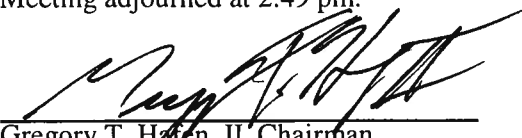
Public Comment:

10. **Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 2:49 pm with no comments.

11. **Adjournment.**

Meeting adjourned at 2:49 pm.



Gregory T. Hafen, II, Chairman
Pahrump Regional Planning Commission



Leah-Ann DeAnda, Secretary/Clerk
Pahrump Regional Planning Commission