

CITY OF NORTH LAS VEGAS

PLANNING COMMISSION APPEAL FORM

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A \$200.00 filing fee and a \$500.00 notification and advertising fee (City of North Las Vegas Municipal Code Title 2, Chapter 2.38.020) must accompany this Appeal Form.

1. INDIVIDUAL APPEALING THE PLANNING COMMISSION DECISION (check one)

- A. ☒ Applicant's Representative
- B. ☐ City Department (specify) _____
- C. ☐ Property owner within 300 feet (please state location of property) _____
- D. ☐ Person whose property rights are or may be affected (complete attached Affidavit)

2. NAME OF PERSON APPEALING THIS DECISION: Bob Gronauer on behalf of Applicant, InterCapital Asset Management, LLC

3. TELEPHONE NUMBER: _____ (Work) 702-792-7000 (Cell) _____

4. PROJECT LOCATION/ADDRESS: Southeast Corner of Pecos/Tropical

5. MAILING ADDRESS: 1980 Festival Plaza #650, Las Vegas, NV 89135

6. APPLICATION NUMBER: SUP-56-2024

7. THE PLANNING COMMISSION:

- A. ☐ Granted the above application
- B. ☒ Denied the above application

8. DATE OF PLANNING COMMISSION DECISION: November 13, 2024

9. PLEASE INDICATE WHY YOU ARE APPEALING THIS DECISION:

Please see attached letter discussing the reasons for the appeal.

DO NOT WRITE IN THIS SPACE

Received by: Daisy Rivera

Date Received: 11/19/2024

Council Meeting to Set Public Hearing Date: 12/4/24

Public Hearing Date: 12/18/2024

Bob Gronauer

Name (Please print)

Bob Gronauer

Signature

Nov. 19, 2024

Date

November 19, 2024

VIA HAND DELIVERY

NORTH LAS VEGAS PLANNING COMMISSION
2250 Las Vegas Blvd. North
North Las Vegas, Nevada 89106

***Re: Appeal of Planning Commission's Decision – SUP-56-2024
InterCapital Asset Management, LLC***

This Firm represents InterCapital Asset Management, LLC (the “Applicant”), in the above referenced matter. Please accept this letter as part of our appeal of the Planning Commission’s decision denying application SUP-56-2024 on November 13, 2024. This appeal relates to property more particularly described as Assessor’s Parcel Number 123-30-301-002 (the “Property”). The Property consists of approximately 10.41 acres located on the southeast corner of East Tropical Parkway and North Pecos Road.

On November 13, 2024, our Firm represented the Applicant before the Planning Commission requesting a zone change to General Commercial (C-2), along with a tentative map and special use permits for a mini-storage facility, tavern, and hospital. The applications ZN-17-2024, T-MAP-12-2024, SUP-57-2024, and SUP-58-2024 received unanimous approval. However, application SUP-56-2024 was denied by a split vote of 4-3. This decision to deny the mini-storage by the Planning Commission is arbitrary and capricious for the following reasons:

1. The Applicant satisfied all criteria for a special use permit.
2. Neighbors who are immediately adjacent to the Property spoke in support for SUP-56-2024.
3. Similarly situated mini-storage facilities have been approved by Planning Staff, Planning Commission and City Council and are currently operational across the City of North Las Vegas without issue.
4. The proposed mini-storage facility is compatible and harmonious to the area.
5. The Planning Commission failed to make a record to support the denial.

InterCapital Asset Management's Application Satisfies All Criteria for a Special Use Permit and the Decision by the Planning Commission is Arbitrary and Capricious.

In granting a special use permit, the Planning Commission is required to address the following:

- (1) *The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable state and federal regulations;*

The proposed mini-storage facility is consistent with the Neighborhood Commercial master plan designation, as it aims to serve the local community by offering a secure, convenient storage solution. Its size and design were developed in collaboration with the residents of the adjacent Ardiente Active Adult Community. It will directly serve those in the nearby community by providing a safe, convenient and secure storage space, at a size and with a design that was agreed upon through collaboration with the immediately impacted neighbors of the Ardiente Active Adult Community. Furthermore, the project includes safe and direct pedestrian access by linking the Ardiente trail through a pedestrian gate located at the southeast corner of the property, along with the installation of code-compliant detached sidewalks along East Tropical Parkway and North Pecos Road.

- (2) *The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;*

The proposed mini-storage would provide a convenient service to nearby residents, ensuring easy access for both pedestrians and drivers. The use and dimensions align well with the residential character of the area and is similar to other mini-storage facilities located next to residential neighborhood throughout the City.

- (3) *The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);*

Mini-storage uses are compatible and align well with residential needs, primarily serving as storage solutions for individuals who require additional space for personal belongings. When selecting a mini-storage option, users typically prioritize convenience and security. In the realm of commercial development, mini-storages represent one of the least intensive commercial activities, effectively acting as a buffer between residential areas and more intense commercial operations. These facilities are usually characterized as high security and generate minimal traffic, noise, odors, or other external disturbances.

- (4) *Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and*

Neighbors raised concerns regarding traffic, building height, and security related to the proposed mini-storage facility. During the four neighborhood meetings, the Applicant clarified that mini-storage facilities typically generate low traffic. To alleviate height concerns, the Applicant collaborated with residents in the design process, resulting in a reduction of the facility from three stories at 44 feet, to two stories at 26 feet. Furthermore, neighbors expressed a preference for a Spanish-Mediterranean architectural style and color palette to complement the nearby residential community.

As for security, the facility will feature facial recognition cameras both inside and outside. Furthermore, all unit renters must input a code when entering and exiting the premises. In the event of any security violations, ownership and management will be immediately notified.

- (5) *Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.*

Facilities and services are in the area and available to serve the proposed development.

The Planning Commission's denial failed to provide specific findings to support the denial. The Planning Commission failed to listen to the neighbors in support and overlooked the Applicants' readiness to address any concerns while relying instead on personal opinions, interests, and desires as the rationale for their decision.

The City has approved other similarly situated mini-storage facilities adjacent to existing residential development. Ironically, the previous approvals for mini-storages did not have the amount of residential support as SUP-56-2024. Clearly, the Planning Commission ignored what the residents and Applicant agreed on. Instead, the decision was subject to personal opinions and preferences which is the reason why this decision is arbitrary and capricious.

Please let me know if you have any questions.

Sincerely,

KAEMPFER CROWELL



Bob Gronauer

RJG/mlt