

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE JULY 27, 2012 MEETING**

The meeting was called to order at 6:00 pm in the Nye County Commissioners Chambers, Pahrump NV.

Members in Attendance: Terry Hand                      John Koenig  
Joseph Goode    Gregory Hafen II  
Vicky Parker     Jennifer McCall

Members Absent: Dave Richards

Planning Staff: Steve Osborne                      Beth Lee

District Attorney's Staff: None

Building & Safety Staff: None

Public Works Staff: None

Other Attendees: None

Acronyms Used:

ADT	=	Average Daily Traffic
ARC	=	Architectural Review Committee
BLM	=	Bureau of Land Management
BOCC/BOC	=	Board of County Commissioners
CAA	=	Charles Abbott Associates
CUP	=	Conditional Use Permit
DOR	=	Deed of Restrictions
CCO	=	Code Compliance Officer
CC&R	=	Covenants, Conditions & Restrictions
DRC	=	Development Review Committee
FEMA	=	Federal Emergency Management Agency
NBHPS	=	Nevada Bureau of Health Protection Services
NCC	=	Nye County Code
NCSD	=	Nye County School District
NDEP	=	Nevada Division of Environmental Protection
NDWR	=	Nevada Division of Water Resources
NDOT	=	Nevada Department of Transportation
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PRPC/RPC	=	Pahrump Regional Planning Commission
PTB	=	Pahrump Town Board
PUD	=	Planned Unit Development
USFS	=	United States Forest Service
ROW	=	Right-of-Way
SFR	=	Single-Family Residential
SOB	=	Sexually Oriented Business
TIA	=	Traffic Impact Analysis
TPC	=	Transportation Planning Committee
UBC	=	Uniform Building Code

## **Call to Order**

Meeting was called to order at 2:00 pm.

1. **Approval of Minutes:**

a. None

2. **Approval of / Modifications to the Agenda:** Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.

Commissioner Koenig motions to approve the agenda, seconded by Commissioner Hafen.

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

**Yes:** Goode, Hafen, Hand, Koenig, McCall, Parker.

**Absent:** Richards.

3. **Correspondence and Announcements**

There was none.

4. **Public Comment (first)** – This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). 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 at 2:03 and closed with no comments.

5. **Commission Reports:**

a. BOCC Liaison Report - BOCC Liaison "Butch" Borasky  
None

b. Pahrump Town Board Liaison Report - PTB Liaison Vicky Parker  
None

c. Capital Improvements Plan Advisory Committee - John Koenig  
NDOT rescheduled the meeting till the end of August, there is nothing to report.

d. PRPD Master Plan Update Steering Committee - Gregory T. Hafen II

The Steering meeting will be July 31<sup>st</sup> at the commissioner chambers and will be a joint meeting with the RTC to take care of the transportation section.

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

None

**Conditional Use (CU) Permit and Waiver (WV) Applications:**

7. a. **CU-12-0010**: Conditional Use Permit (CUP) application to allow a Childcare Facility in the Village Residential (VR-20) Zoning District, per NCC 17.04.240.E, located at 2191 S. Valentine Avenue, further known as Calvada Valley Unit 4B, Block 8, Lot 33. Ernest Lloyd Yordy – Property Owner. Suzanne Angeline Yordy – Applicant. AP# 40-051-33.
- b. **WV-12-0003**: Waiver application to waive the requirement to provide a paved, circular driveway twenty feet (20') in width, a minimum of thirty feet (30') from the entrance, prior to the facility opening for business as required per NCC 17.04.700.A.12.a, located at 2191 S. Valentine Avenue, further known as Calvada Valley Unit 4B, Block 8, Lot 33. Ernest Lloyd Yordy – Property Owner. Suzanne Angeline Yordy – Applicant. AP# 40-051-33.

Commissioner Hand refers to staff.

Ms. Lee stated that this CUP is allowed in the VR-20 zoning district through the use permit process. Staff finds that this childcare facility at this location will not change the residential character of the neighborhood. It is intended to take place inside an existing residential dwelling built in 1993. There is no new construction or expansion of the existing structure proposed that would change any of the residential character or change any of the subject residential property or the neighborhood.

Ms. Lees stated in regards to the Waiver Request and the driveway this house was built in 1993 and has a front set back of approximately of 34 ½ feet. The circular driveway requirement requires 70 linear feet which is not reasonable to put that in front of the house to accommodate the driveway without moving the house back 40 feet. All childcare facilities require this circular driveway however staff feels it is a requirement better suited to commercial facilities. It is inappropriate to apply commercial standards to a residential facility. The applicant is proposing to pave additional driveways so there does appear to be sufficient parking on site so there won't be any cars parking in the ROW.

Ms. Lee does need to make one note that on page 3, under the Discussion Section the second paragraph – Area Characteristics - the first two sentences were not change appropriately, it should read “The subject property is an improved ½ acre site located on Valentine Ave, primary development of the property consists of a single family residence and a septic tank”. Based on these findings and the additional findings outlined in the staff report, staff is recommending the approval of both applications based on the Special Conditions of Approval.

Commissioner Hafen asks for clarification on the parking, the applicant is proposing to pave additional spots for parking.

Ms. Lee stated that is correct and the information is being taken off the site plan submitted by the applicant showing the existing driveway and to the left of that

shows a black top driveway area and to the far right of the residence it shows an additional black top driveway area.

Commissioner Hafen states that it is not shown as a condition in the staff report.

Ms. Lee stated that it is not.

Commissioner Koenig asks if the home has a septic tank and asks if it is a commercial tank.

Ms. Lee states it does have a septic tank and she doesn't believe it is a commercial tank because it was installed with a single family residence.

Commissioner Koenig states that there will be 12 kids at a house and there will be a regular residential tank.

Ms. Lee stated that is correct and that the applicant will be required to comply with Federal, State and County Regulations. We can have this go through Building and Safety to go have a septic check to make sure it is sufficient.

Commissioner Hand refers to the applicant.

Earnest Yordy and Susanne Yordy applicants. Ms. Yordy stated that she has had an existing daycare on Bronco Street since 2006. As of December 1<sup>st</sup> she has closed that daycare and married Mr. Yordy and moved into his home. She is asking for a CUP and the waiver to accommodate the daycare she had on Bronco and move it to Valentine Street.

Mr. Yordy stated his wife teaches the Abecca program and a good program is needed for the Pre-K. The kids have a schedule they have to follow.

Ms. Yordy states they get a 20 minute break in the morning, and then they have an afternoon play. The state regulates kids aren't allowed outside after 6 PM. When she had her daycare on Bronco Street she never had any complaints due to traffic or noise. She stated that the batting cage is her personal property and is not part of the daycare. The playground is fenced in and very professional. Her interest is for the kids and their education.

Commissioner Hand asks if they have read and understood the Special Conditions of Approval.

Ms. Yordy stated that she has and understands them. She has complied to all of them, the circular driveway at the other home was never used because it was only 20 ft in radius and two vehicles couldn't pass on it you would get blocked in. What they are proposing is a lot safer and they are willing to pay the \$26,000 it will cost to pay the additional driveways.

Commissioner Hafen asks for clarification that the daycare will not be using the batting cages.

Ms. Yordy stated that is correct the daycare will not be using them it is personal property.

Mr. Yordy stated that it is a liability for someone to get hurt.

Commissioner Koenig questions if the old daycare parents used the circular driveway at all.

Mr. Yordy stated at the beginning she had a staff member standing outside and even had painted arrows for the parents. She has parents in attendance to clarify that they didn't use the driveway. The way they are proposing the driveways there will be enough parking. One of the letters states that she has children playing out front and she said that is incorrect she has never let anyone play outside. They have a fenced in area in the back.

Public Hearing opened at 2:16

Kevin Deckaer he is one of the parents that didn't use one of the parents that didn't use the circular drive. He gets off later than some of the parents, and would be 2<sup>nd</sup> or 3<sup>rd</sup> in the circular drive and would get blocked in until the parents ahead of him would leave. So he would park in the residential driveway in order to not get blocked in.

Veronica Horton is another daycare parent that was using the circular driveway and would get blocked in. She stopped using the circular drive in order to stop being blocked in while waiting for other parents to leave.

Bob Arnold he lives directly behind the daycare center on Bronco. The one thing he noticed after living there 12 years the noise level with children playing wasn't a complaint but the dogs would bark at him while he was in his back yard. He did file one complaint and when he came to the door some other people opened the door it wasn't the applicant.

Mr. Arnold complained about the children riding their bikes across his property. One boy had climbed over his fence to get something; another boy wasn't using the batting cages and was batting rocks over towards his house. He had spoken with them regarding the issues. He doesn't want to begrudge people to make money in this economy. Down the street about three blocks is a big open building maybe for lease or rent.

Mr. Arnold would like to keep his area a residential area, one thing that might not apply but could help is that he has a family living next to him that has 14 children and a few adults living there. The residential septic can't handle that amount of people. He has filed a Code Compliance complaint due to the fact the back yard was flooded and the County came out twice and told them nothing was wrong with the home. They since have moved and the gentleman that pumped the septic said it was the worst he has ever seen in the valley because the system was

overloaded. He doesn't know if that would be the same results with the daycare center.

Commissioner Parker asks the applicant if the previous daycare was on a septic system, and if she plans on having the same amount of children at the new home.

Ms. Yordy stated yes it was and she will have the exact same amount of children. You won't be doing laundry or giving the kids baths in there. The house is actually being rented now and there are 14 people living there. She has never had a problem with the septic system there. She opened in 2006 and it has been at least 5 or 6 years since it was pumped over at the home and there have been no leaks.

Public hearing closed at 2:24 pm.

Commissioner Hafen asks staff if the parking will have to go through Building and Safety, and if there is a process for it.

Ms. Lee stated they will not have to do a site development plan for what they are proposing. Usually what they do when there is an issue or question on a septic tank they refer to Building and Safety because that is their expertise and they are the ones that permit and inspect the septic tanks. It is Ms. Lee's understanding that septic tanks are put in based on the number of bedrooms and because the bedrooms aren't changing and the home is still a residential facility the septic tank as is still meet the requirements. It may be just the owner's responsibility to more frequently maintain or pump the septic tank. As far as the parking goes it would be something that is to be reviewed through Planning.

Commissioner Parker asks staff if the additional parking that is being proposed on the side of the house will be sufficient for two cars.

Ms. Lee states it is difficult to tell based on the site plan since there are no dimensions shown. It does appear the one on the far right appears to be 18 ft wide which would accommodate the width of one vehicle and the one on the far left would be closer to the width of the original driveway that would accommodate two cars side by side.

Commissioner Parker states that they would have parking for at least three cars simultaneously off the street.

Ms. Lee stated that is correct.

Commissioner Hand stated if their cars are in the garage then there would be parking for 5 cars, and not all parents come at the same time.

Commissioner Koenig states that to be trapped in a circular driveway there needs to be more than two cars parked there. The proposed driveways still don't show that someone won't get trapped if other cars show up.

Commissioner Hand states that there can be two cars in the driveway, to the left of the house will be additional parking and to the right is an existing driveway that goes to the back yard, which will give at least five spots all together.

Commissioner Koenig is just concerned with the driveways because someone can back up and hit a child trying to get into their parents cars that is why there is a circular driveway required.

Commissioner Parker motions to approve CU-12-0010 CUP application to approve a child care facility in the Village Residential zoning district and WV-12-003 Waiver application to waive the requirement to provide a paved circular driveway based on staff comments and research. Commissioner McCall seconds.

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

**Yes:** Goode, Hafen, Hand, McCall, Parker.

**No:** Koenig.

**Absent:** Richards.

8. **Discussion and Direction Concerning Items for Future Meetings/Workshops; Set Date, Location and Time of Future Pahrump Regional Planning Commission Meetings.**

The next meeting is August 15<sup>th</sup> with one item scheduled which is the rehearing for the Special Conditions Animals.

9. **Public Comment (second)** – This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). 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 closed at 2:33

10. **Adjournment.**

Commissioner Koenig motions to adjourn, seconded by Commissioner Hafen

Meeting adjourned at 2:33 pm.

Approved Date:

Attest:



Terry Hand, Chairman

Pahrump Regional Planning Commission



Gregory T. Hafen II, Secretary/Clerk

Pahrump Regional Planning Commission

