

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

February 27, 2008

BRIEFING: 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Chairman Steve Brown

ROLL CALL: Chairman Steve Brown - Present
Vice-Chairman Dilip Trivedi - Present
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Dean Leavitt - Present
Commissioner Harry Shull - Present
Commissioner Ned Thomas - Present

STAFF PRESENT: Frank Fiori, Acting Planning & Zoning Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Toni Ellis, Planner
Nick Vaskov, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Clete Kus, PW, Transportation Planner
Vidya Medisetty, Public Works
Janice Carr, Fire Department
Jose Rodriguez, Police Department
Ernie Buo, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Harry Shull

Item No. 15 was heard next.

NEW BUSINESS

1. **UN-17-08 (33783) N5 COMMERCIAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF NORTH 5TH STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-10-501-009. (TABLED FEBRUARY 13, 2008)**

Commissioner Harry Shull stated he would be abstaining as his company submitted the application.

Commissioner Shull left Chambers at 6:29 p.m.

Marc Jordan, Planning Manager indicated Item Nos. 1 through 3 would be presented together, but would require individual votes.

Mr. Jordan explained the applicant was requesting waivers from the Commercial Design Guidelines. The first waiver was to reduce the landscape buffer requirement on the north side near Alexander Road to 6 ½ feet where 20 feet was normally required. The reason for the request was that there was an existing landscaped, common element as part of the residential subdivision to the west, which would be landscaped in the future as part of the residential property; therefore, there would be more than 20 feet of landscaping in the area; which, Staff was supporting. The applicant was also requesting to reduce the landscaping along the western property line anywhere from 10 feet to 14 feet and there would be 10 feet for the area where the drive-thru lane was proposed around the convenience store and car wash and in that area there was an existing street on the other side of the block wall where there was also some landscaping; therefore, Staff was in support of reducing the landscaping in that area. The applicant was also proposing to reduce the landscaping where the turn-around area was by the fast food restaurant. Previously, they were proposing approximately 2 ½ feet, which Staff was not supporting, but have since redesigned the site plan where they can now produce approximately 14 feet; therefore, Staff was supporting it, as it would bring traffic away from a future residence in that area. The other waiver being requested was to reduce the landscaping on the southern property line that would range down to as low as 10 feet for a portion of it, but in other areas it would be 15 feet in width and in some areas there would be 20 feet or more and because of the residential development, there was also some landscaping; therefore, the overall 20 feet would be complied with. In the revised plan, the applicant had made a few changes to remove some of the parking near the fast food area at the entrance to the site, so there

was no conflict. The applicant agreed to designate the parking by the carwash as employee parking only and indicated additional landscaping within areas of the retail building and the fast food restaurant. As a result of the redesign, the applicant was requesting another waiver, which was to reduce the landscaping along North 5th Street from 25 feet, which may include the sidewalk down to 20 feet, which may include sidewalk, which nets out to a reduction in five feet of landscaping, so there would be 15 feet of landscaping, where 20 feet was normally required. The applicant indicated, because there was a dual left turn lane at Alexander and North 5th Street, there was a need to dedicate an additional five feet of right-of-way, therefore, they needed to request the waiver. Staff was not supporting that waiver request, as they felt the site should be designed to comply with that and as other developments along North 5th Street, particularly at North 5th Street and Deer Springs Way, have been able to comply with the requirement for the dual left turn lanes and the Athena property across the street was also complying with the 20 foot landscape requirement. Staff also did not want to set a precedent for future developments along North 5th Street. Staff was recommending that UN-17-08, UN-18-08 and UN-19-08 be continued to allow the applicant to redesign the site to comply with the landscaping requirements along North 5th Street. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. The proposed development must comply commercial design guidelines including but not limited to the following:
 - a. Provide a twenty (20) foot landscape buffer area along the north, south and west property lines, except for the following:
 - i. A minimum of ten (10) foot landscape buffer along the drive-thru lane for the automobile washing establishment.
 - ii. A minimum of fourteen (14) foot landscape buffer near the proposed turn-around along the west property line.
 - iii. A minimum of ten feet ten inches (10'-10") along some portion of south property line.
 - iv. A minimum of six and half (6 ½') feet along some portion of north property line.
 - b. All elevations must include decorative columns and stone veneering to provide visual interest, to divide the building mass and to be create a consistent design throughout the site.

- c. All electrical and mechanical equipment shall be concealed from the view of public streets and neighboring properties adjacent to the proposed use at street level within 100 feet of the property boundary.
 - d. Provide a twenty five (25) foot perimeter landscape area including a five (5) sidewalk measured from the back of the curb along the frontage of North 5th Street.
4. The proposed pavers must be decorative and engineered to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.
5. The site plan must be revised to include the additional dedication of five feet along North 5th Street needed to accommodate the dual left turn lanes, resulting in a total half street dedication of eighty (80) feet. Reference *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1.
6. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. Only one driveway will be permitted on North 5th Street.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street and Alexander Road.
10. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and *City of North Las Vegas Municipal Code* section 16.24.100.B:
 1. North 5th Street
11. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.
12. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

13. The two angled parking spaces near the car wash shall be labeled as "Employee Parking Only."
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
16. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
17. Access must be provided to the existing channel maintenance roads.
18. Deep rooted plants or permanent structures are not allowed within the City of North Las Vegas channel right-of-way.
19. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
20. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
21. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
22. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
23. All off-site improvements must be completed prior to final inspection of the first building.
24. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
25. The property owner is required to grant a roadway easement for commercial driveway(s).

26. The property owner is required to sign a restrictive covenant for utilities.
27. A revocable encroachment permit for landscaping within the public right of way is required.
28. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
29. The plans are proposing improvements over the existing channel right of way; consequently an encroachment permit will be required. Items allowed to encroach within this area shall be at the discretion of the Department of Public Works.
30. Offsite improvements for Alexander Road and North 5th Street shall commence within one year of approval otherwise the application will be deemed null and void.
31. The developer shall provide offsite improvements along Alexander Road that extend to APN 139-10-511-029.
32. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
33. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.
34. Site and facilities shall meet accessibility requirements of Chapter 11, IBC 2006, and ANSI A 117.1. Accessible parking spaces are adequate for number required. At least one space shall be van accessible.

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining Staff's concerns were not with the majority of the site plan, but involved around the question of having five additional feet of landscaping where, there was only room for 20 feet of landscaping instead of the 25 feet required, which came about when the revised site plan was submitted. Normally, on the North 5th Corridor, 75 feet was the standard, which was the normal dedication. The proposed property was already impacted by both Alexander Road and North 5th Street, and Winter Breeze on the south and another small piece to the west and was surrounded by streets and impacted by the drainage channel to the north and the dual left turns were not part of the original North 5th Corridor plan. The dual left turn requirement came about recently, when, at the suggestion of the City and in conjunction with the Desert Star Project, it was thought it would be a good idea to put in dual left turns at San Miguel and Alexander Road. With a great deal of effort, on the proposed project, the additional dual left turn lanes were provided, not because they were required in the traffic study and not because they

were required under the North 5th Corridor, but, they were purely optional and were suggested by Staff and the developer was willing to put them in. Mr Garcia pointed out that the proposed project received no benefit from the dual left turn lanes and the developer was being required to give up five feet of their property and he did not feel it set a precedent, as it was a unique set of circumstances.

Mr. Garcia pointed out Condition No. 31 required the developer to provide off-site improvements for a triangle shaped piece of property, which belonged to the adjoining property and the condition was requiring the developer to complete the public improvements along that portion of Alexander Road and he felt that was the responsibility of the abutting developer. Mr. Garcia agreed with all conditions recommended by Staff, with the exception of Condition Nos. 3.d and 31.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked the applicant when the situation with the left turn lane was pointed out. Mr. Garcia responded they were informed of the left turn lane on Monday morning. Commissioner Aston was having difficulty with requiring five additional feet on North 5th Street and still requiring the same landscaping and pointed out the parcel had some unique situations and was not opposed to the request to reduce the landscaping to 20 feet. Commissioner Aston asked Staff for comments on the improvements requested in Condition No. 31.

Clete Kus of Public Works responded Condition No. 31 was requested by the Real Property Services Department and explained it was preferred that the proposed project provide the off-sites so there would be a complete road section; but, if it was the desire of the Commission to delete Condition No. 31, they would agree to it.

Mr. Garcia explained the developer had been working with the abutting property owner to acquire the triangular piece of property and suggested adding the wording, "if acquired" to condition No. 31.

Commissioner Dean Leavitt explained, as Staff and appointed officials, they needed to be as pro-active as possible in working with the applicants in providing the very best projects and as we looked at higher levels of development in the future, if a dual left turn lane was something that was either plausible or possible, it should be addressed at an earlier stage in the development process. He asked Staff, if the applications had not been tabled two weeks ago due to the power outage, if the projects would have been approved as recommended at that time. Jennifer Doody, of Public Works responded on the Memorandum dated January 22, 2008 from Public Works, there was a condition requesting the extra five feet to be dedicated and explained the only reason it changed from dedication to continuance was because Staff looked at the site plan and realized if the additional five

feet was dedicated, it would impact the landscaping and there was not enough room on the site to make it work.

Commissioner Dilip Trivedi concurred with comments made by Commissioners Aston and Leavitt but asked how the dual left turn lane translated into five additional feet of dedication. Mr. Kus explained with dual left turn lanes, typically the minimum width of the lanes were 10 feet. In this instance, they tried to balance the geometry of the intersection design off of the centerline, so within the back-up material, there was a standard drawing, 201.1 that provided a graphic to facilitate the dual left turn lanes at major intersections and it was also anticipated the need for a dedicated right turn lane when there was additional property dedication to allow for the full complement of construction of the intersection geometry that provided for dual left, two thru lanes and/or a dedicated right lane. The five feet, in this instance, also takes into consideration the additional dedication that was coming off of the opposing corner.

Commissioner Ned Thomas concurred with comments made by other Commissioners and was in support of the application with the requested waivers. He commented that if the principals of the North 5th Street Transit Supportive Concept Plan were applied, this type of development was not consistent with that plan, in that it was predominantly auto oriented and there were the usual pedestrian connections, but they were minimal and the site connectivity between the proposed development and the residential development next to the school was not as good as it could have been. Under a different set of circumstances, this was the type of development that would be better built in a pedestrian friendly and transit supportive way, and it was not; however, the development was good for the site, so he could support it.

Chairman Brown asked Staff if Item Nos. 1 through 3 could be voted on together. Mr. Jordan deferred the question to the City Attorney.

Nick Vaskov, Deputy City Attorney indicated as long as the conditions were consistent with all of the applications, it would be acceptable.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NOS. 3.D AND 31 AMENDED TO READ:

- 3.D. PROVIDE A TWENTY (20) FOOT PERIMETER LANDSCAPE AREA INCLUDING A FIVE (5) FOOT SIDEWALK MEASURED FROM THE BACK OF THE CURB ALONG THE FRONTAGE OF NORTH 5TH STREET.
- 31. IF ACQUIRED, THE DEVELOPER SHALL PROVIDE OFFSITE IMPROVEMENTS ALONG ALEXANDER ROAD THAT EXTEND TO APN 139-10-511-029.

MOTION: Commissioner Aston
SECOND: Commissioner Leavitt
AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston,
Cato, and Thomas
NAYS: None
ABSTAIN: Commissioner Shull

2. **UN-18-08 (33784) N5 COMMERCIAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW AN AUTOMOBILE WASHING ESTABLISHMENT (DRIVE-THROUGH). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER NORTH 5TH STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-10-501-009. (TABLED FEBRUARY 13, 2008)**

The Following was carried forward from Item No. 1, as Item Nos. 1 through 3 were presented together:

Commissioner Harry Shull stated he would be abstaining as his company submitted the application.

Commissioner Shull left Chambers at 6:29 p.m.

Marc Jordan, Planning Manager indicated Item Nos. 1 through 3 would be presented together, but would require individual votes.

Mr. Jordan explained the applicant was requesting waivers from the Commercial Design Guidelines. The first waiver was to reduce the landscape buffer requirement on the north side near Alexander Road to 6 ½ feet where 20 feet was normally required. The reason for the request was that there was an existing landscaped, common element as part of the residential subdivision to the west, which would be landscaped in the future as part of the residential property; therefore, there would be more than 20 feet of landscaping in the area; which, Staff was supporting. The applicant was also requesting to reduce the landscaping along the western property line anywhere from 10 feet to 14 feet and there would be 10 feet for the area where the drive-thru lane was proposed around the convenience store and car wash and in that area there was an existing street on the other side of the block wall where there was also some landscaping; therefore, Staff was in support of reducing the landscaping in that area. The applicant was also proposing to reduce the landscaping where the turn-around area was by the fast food restaurant. Previously, they were proposing approximately 2 ½ feet, which Staff was not supporting, but have since redesigned the site plan where they can now produce approximately 14 feet; therefore, Staff was supporting it, as it would bring traffic away from a future residence in that area. The other waiver being requested was to reduce the landscaping on the southern property line that would range down to as low as 10 feet for a portion of it, but in other areas it would be 15 feet in width and in some areas there would be 20 feet or more and because of the residential development, there was also some landscaping; therefore, the overall 20 feet would be complied with. In the revised plan, the applicant had made a few changes to remove some of the parking near the fast food area at the entrance to the site, so there

was no conflict. The applicant agreed to designate the parking by the carwash as employee parking only and indicated additional landscaping within areas of the retail building and the fast food restaurant. As a result of the redesign, the applicant was requesting another waiver, which was to reduce the landscaping along North 5th Street from 25 feet, which may include the sidewalk down to 20 feet, which may include sidewalk, which nets out to a reduction in five feet of landscaping, so there would be 15 feet of landscaping, where 20 feet was normally required. The applicant indicated, because there was a dual left turn lane at Alexander and North 5th Street, there was a need to dedicate an additional five feet of right-of-way, therefore, they needed to request the waiver. Staff was not supporting that waiver request, as they felt the site should be designed to comply with that and as other developments along North 5th Street, particularly at North 5th Street and Deer Springs Way, have been able to comply with the requirement for the dual left turn lanes and the Athena property across the street was also complying with the 20 foot landscape requirement. Staff also did not want to set a precedent for future developments along North 5th Street. Staff was recommending that UN-17-08, UN-18-08 and UN-19-08 be continued to allow the applicant to redesign the site to comply with the landscaping requirements along North 5th Street. Should the Commission determine approval was warranted, the following conditions were recommended:

- 1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.*
- 2. This use permit is site specific and non transferrable.*
- 3. The proposed development must comply commercial design guidelines including but not limited to the following:*
 - a. Provide a twenty (20) foot landscape buffer area along the north, south and west property lines, except for the following:*
 - i. A minimum of ten (10) foot landscape buffer along the drive-thru lane for the automobile washing establishment.*
 - ii. A minimum of fourteen (14) foot landscape buffer near the proposed turn-around along the west property line.*
 - iii. A minimum of ten feet ten inches (10'-10") along some portion of south property line.*
 - iv. A minimum of six and half (6 ½') feet along some portion of north property line.*
 - b. All elevations must include decorative columns and stone veneering to provide visual interest, to divide the building mass and to be create a consistent design throughout the site.*

13. *The two angled parking spaces near the car wash shall be labeled as "Employee Parking Only."*
14. *Approval of a drainage study is required prior to submittal of the civil improvement plans.*
15. *Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.*
16. *All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.*
17. *Access must be provided to the existing channel maintenance roads.*
18. *Deep rooted plants or permanent structures are not allowed within the City of North Las Vegas channel right-of-way.*
19. *All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.*
20. *The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.*
21. *All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.*
22. *Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.*
23. *All off-site improvements must be completed prior to final inspection of the first building.*
24. *The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.*
25. *The property owner is required to grant a roadway easement for commercial driveway(s).*

26. *The property owner is required to sign a restrictive covenant for utilities.*
27. *A revocable encroachment permit for landscaping within the public right of way is required.*
28. *If the property is subdivided in the future, the applicant must submit a commercial subdivision map.*
29. *The plans are proposing improvements over the existing channel right of way; consequently an encroachment permit will be required. Items allowed to encroach within this area shall be at the discretion of the Department of Public Works.*
30. *Offsite improvements for Alexander Road and North 5th Street shall commence within one year of approval otherwise the application will be deemed null and void.*
31. *The developer shall provide offsite improvements along Alexander Road that extend to APN 139-10-511-029.*
32. *Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.*
33. *Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.*
34. *Site and facilities shall meet accessibility requirements of Chapter 11, IBC2006, and ANSI A 117.1. Accessible parking spaces are adequate for number required. At least one space shall be van accessible.*

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining Staff's concerns were not with the majority of the site plan, but involved around the question of having five additional feet of landscaping where, there was only room for 20 feet of landscaping instead of the 25 feet required, which came about when the revised site plan was submitted. Normally, on the North 5th Corridor, 75 feet was the standard, which was the normal dedication. The proposed property was already impacted by both Alexander Road and North 5th Street, and Winter Breeze on the south and another small piece to the west and was surrounded by streets and impacted by the drainage channel to the north and the dual left turns were not part of the original North 5th Corridor plan. The dual left turn requirement came about recently, when, at the suggestion of the City and in conjunction with the Desert Star Project, it was thought it would be a good idea to put in dual left turns at San Miguel and Alexander Road. With a great deal of effort, on the proposed project, the additional dual left turn lanes were provided, not because they were required in the traffic study and not because they

were required under the North 5th Corridor, but, they were purely optional and were suggested by Staff and the developer was willing to put them in. Mr Garcia pointed out that the proposed project received no benefit from the dual left turn lanes and the developer was being required to give up five feet of their property and he did not feel it set a precedent, as it was a unique set of circumstances.

Mr. Garcia pointed out Condition No. 31 required the developer to provide off-site improvements for a triangle shaped piece of property, which belonged to the adjoining property and the condition was requiring the developer to complete the public improvements along that portion of Alexander Road and he felt that was the responsibility of the abutting developer. Mr. Garcia agreed with all conditions recommended by Staff, with the exception of Condition Nos. 3.d and 31.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked the applicant when the situation with the left turn lane was pointed out. Mr. Garcia responded they were informed of the left turn lane on Monday morning. Commissioner Aston was having difficulty with requiring five additional feet on North 5th Street and still requiring the same landscaping and pointed out the parcel had some unique situations and was not opposed to the request to reduce the landscaping to 20 feet. Commissioner Aston asked Staff for comments on the improvements requested in Condition No. 31.

Clete Kus of Public Works responded Condition No. 31 was requested by the Real Property Services Department and explained it was preferred that the proposed project provide the off-sites so there would be a complete road section; but, if it was the desire of the Commission to delete Condition No. 31, they would agree to it.

Mr. Garcia explained the developer had been working with the abutting property owner to acquire the triangular piece of property and suggested adding the wording, "if acquired" to condition No. 31.

Commissioner Dean Leavitt explained, as Staff and appointed officials, they needed to be as pro-active as possible in working with the applicants in providing the very best projects and as we looked at higher levels of development in the future, if a dual left turn lane was something that was either plausible or possible, it should be addressed at an earlier stage in the development process. He asked Staff, if the applications had not been tabled two weeks ago due to the power outage, if the projects would have been approved as recommended at that time. Jennifer Doody, of Public Works responded on the Memorandum dated January 22, 2008 from Public Works, there was a condition requesting

the extra five feet to be dedicated and explained the only reason it changed from dedication to continuance was because Staff looked at the site plan and realized if the additional five feet was dedicated, it would impact the landscaping and there was not enough room on the site to make it work.

Commissioner Dilip Trivedi concurred with comments made by Commissioners Aston and Leavitt but asked how the dual left turn lane translated into five additional feet of dedication. Mr. Kus explained with dual left turn lanes, typically the minimum width of the lanes were 10 feet. In this instance, they tried to balance the geometry of the intersection design off of the centerline, so within the back-up material, there was a standard drawing, 201.1 that provided a graphic to facilitate the dual left turn lanes at major intersections and it was also anticipated the need for a dedicated right turn lane when there was additional property dedication to allow for the full complement of construction of the intersection geometry that provided for dual left, two thru lanes and/or a dedicated right lane. The five feet, in this instance, also takes into consideration the additional dedication that was coming off of the opposing corner.

Commissioner Ned Thomas concurred with comments made by other Commissioners and was in support of the application with the requested waivers. He commented that if the principals of the North 5th Street Transit Supportive Concept Plan were applied, this type of development was not consistent with that plan, in that it was predominantly auto oriented and there were the usual pedestrian connections, but they were minimal and the site connectivity between the proposed development and the residential development next to the school was not as good as it could have been. Under a different set of circumstances, this was the type of development that would be better built in a pedestrian friendly and transit supportive way, and it was not; however, the development was good for the site, so he could support it.

Chairman Brown asked Staff if Item Nos. 1 through 3 could be voted on together. Mr. Jordan deferred the question to the City Attorney.

Nick Vaskov, Deputy City Attorney indicated as long as the conditions were consistent with all of the applications, it would be acceptable.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 3.D AND 31 AMENDED TO READ:**

- 3.D. PROVIDE A TWENTY (20) FOOT PERIMETER LANDSCAPE AREA INCLUDING A FIVE (5) FOOT SIDEWALK MEASURED FROM THE BACK OF THE CURB ALONG THE FRONTAGE OF NORTH 5TH STREET.**

31. IF ACQUIRED, THE DEVELOPER SHALL PROVIDE OFFSITE IMPROVEMENTS ALONG ALEXANDER ROAD THAT EXTEND TO APN 139-10-511-029.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Cato, and Thomas

NAYS: None

ABSTAIN: Commissioner Shull

3. **UN-19-08 (33785) N5 COMMERCIAL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CELEBRATE PROPERTIES, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF NORTH 5TH STREET AND ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-10-501-009. (TABLED FEBRUARY 13, 2008)**

The Following was carried forward from Item No. 1, as Item Nos. 1 through 3 were presented together:

Commissioner Harry Shull stated he would be abstaining as his company submitted the application.

Commissioner Shull left Chambers at 6:29 p.m.

Marc Jordan, Planning Manager indicated Item Nos. 1 through 3 would be presented together, but would require individual votes.

Mr. Jordan explained the applicant was requesting waivers from the Commercial Design Guidelines. The first waiver was to reduce the landscape buffer requirement on the north side near Alexander Road to 6 ½ feet where 20 feet was normally required. The reason for the request was that there was an existing landscaped, common element as part of the residential subdivision to the west, which would be landscaped in the future as part of the residential property; therefore, there would be more than 20 feet of landscaping in the area; which, Staff was supporting. The applicant was also requesting to reduce the landscaping along the western property line anywhere from 10 feet to 14 feet and there would be 10 feet for the area where the drive-thru lane was proposed around the convenience store and car wash and in that area there was an existing street on the other side of the block wall where there was also some landscaping; therefore, Staff was in support of reducing the landscaping in that area. The applicant was also proposing to reduce the landscaping where the turn-around area was by the fast food restaurant. Previously, they were proposing approximately 2 ½ feet, which Staff was not supporting, but have since redesigned the site plan where they can now produce approximately 14 feet; therefore, Staff was supporting it, as it would bring traffic away from a future residence in that area. The other waiver being requested was to reduce the landscaping on the southern property line that would range down to as low as 10 feet for a portion of it, but in other areas it would be 15 feet in width and in some areas there would be 20 feet or more and because of the residential development, there was also some landscaping; therefore, the overall 20 feet would be complied with. In the revised plan, the applicant had made a few changes to remove some of the parking near the fast food area at the entrance to the site, so there

was no conflict. The applicant agreed to designate the parking by the carwash as employee parking only and indicated additional landscaping within areas of the retail building and the fast food restaurant. As a result of the redesign, the applicant was requesting another waiver, which was to reduce the landscaping along North 5th Street from 25 feet, which may include the sidewalk down to 20 feet, which may include sidewalk, which nets out to a reduction in five feet of landscaping, so there would be 15 feet of landscaping, where 20 feet was normally required. The applicant indicated, because there was a dual left turn lane at Alexander and North 5th Street, there was a need to dedicate an additional five feet of right-of-way, therefore, they needed to request the waiver. Staff was not supporting that waiver request, as they felt the site should be designed to comply with that and as other developments along North 5th Street, particularly at North 5th Street and Deer Springs Way, have been able to comply with the requirement for the dual left turn lanes and the Athena property across the street was also complying with the 20 foot landscape requirement. Staff also did not want to set a precedent for future developments along North 5th Street. Staff was recommending that UN-17-08, UN-18-08 and UN-19-08 be continued to allow the applicant to redesign the site to comply with the landscaping requirements along North 5th Street. Should the Commission determine approval was warranted, the following conditions were recommended:

- 1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.*
- 2. This use permit is site specific and non transferrable.*
- 3. The proposed development must comply commercial design guidelines including but not limited to the following:*
 - a. Provide a twenty (20) foot landscape buffer area along the north, south and west property lines, except for the following:*
 - i. A minimum of ten (10) foot landscape buffer along the drive-thru lane for the automobile washing establishment.*
 - ii. A minimum of fourteen (14) foot landscape buffer near the proposed turn-around along the west property line.*
 - iii. A minimum of ten feet ten inches (10'-10") along some portion of south property line.*
 - iv. A minimum of six and half (6 ½') feet along some portion of north property line.*
 - b. All elevations must include decorative columns and stone veneering to provide visual interest, to divide the building mass and to be create a consistent design throughout the site.*

14. *Approval of a drainage study is required prior to submittal of the civil improvement plans.*
15. *Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.*
16. *All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.*
17. *Access must be provided to the existing channel maintenance roads.*
18. *Deep rooted plants or permanent structures are not allowed within the City of North Las Vegas channel right-of-way.*
19. *All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.*
20. *The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.*
21. *All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.*
22. *Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.*
23. *All off-site improvements must be completed prior to final inspection of the first building.*
24. *The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.*
25. *The property owner is required to grant a roadway easement for commercial driveway(s).*
26. *The property owner is required to sign a restrictive covenant for utilities.*

27. *A revocable encroachment permit for landscaping within the public right of way is required.*
28. *If the property is subdivided in the future, the applicant must submit a commercial subdivision map.*
29. *The plans are proposing improvements over the existing channel right of way; consequently an encroachment permit will be required. Items allowed to encroach within this area shall be at the discretion of the Department of Public Works.*
30. *Offsite improvements for Alexander Road and North 5th Street shall commence within one year of approval otherwise the application will be deemed null and void.*
31. *The developer shall provide offsite improvements along Alexander Road that extend to APN 139-10-511-029.*
32. *Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.*
33. *Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.*
34. *Site and facilities shall meet accessibility requirements of Chapter 11, IBC 2006, and ANSI A 117.1. Accessible parking spaces are adequate for number required. At least one space shall be van accessible.*

George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014 appeared on behalf of the applicant explaining Staff's concerns were not with the majority of the site plan, but involved around the question of having five additional feet of landscaping where, there was only room for 20 feet of landscaping instead of the 25 feet required, which came about when the revised site plan was submitted. Normally, on the North 5th Corridor, 75 feet was the standard, which was the normal dedication. The proposed property was already impacted by both Alexander Road and North 5th Street, and Winter Breeze on the south and another small piece to the west and was surrounded by streets and impacted by the drainage channel to the north and the dual left turns were not part of the original North 5th Corridor plan. The dual left turn requirement came about recently, when, at the suggestion of the City and in conjunction with the Desert Star Project, it was thought it would be a good idea to put in dual left turns at San Miguel and Alexander Road. With a great deal of effort, on the proposed project, the additional dual left turn lanes were provided, not because they were required in the traffic study and not because they were required under the North 5th Corridor, but, they were purely optional and were suggested by Staff and the developer was willing to put them in. Mr Garcia pointed out that

the proposed project received no benefit from the dual left turn lanes and the developer was being required to give up five feet of their property and he did not feel it set a precedent, as it was a unique set of circumstances.

Mr. Garcia pointed out Condition No. 31 required the developer to provide off-site improvements for a triangle shaped piece of property, which belonged to the adjoining property and the condition was requiring the developer to complete the public improvements along that portion of Alexander Road and he felt that was the responsibility of the abutting developer. Mr. Garcia agreed with all conditions recommended by Staff, with the exception of Condition Nos. 3.d and 31.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked the applicant when the situation with the left turn lane was pointed out. Mr. Garcia responded they were informed of the left turn lane on Monday morning. Commissioner Aston was having difficulty with requiring five additional feet on North 5th Street and still requiring the same landscaping and pointed out the parcel had some unique situations and was not opposed to the request to reduce the landscaping to 20 feet. Commissioner Aston asked Staff for comments on the improvements requested in Condition No. 31.

Clete Kus of Public Works responded Condition No. 31 was requested by the Real Property Services Department and explained it was preferred that the proposed project provide the off-sites so there would be a complete road section; but, if it was the desire of the Commission to delete Condition No. 31, they would agree to it.

Mr. Garcia explained the developer had been working with the abutting property owner to acquire the triangular piece of property and suggested adding the wording, "if acquired" to condition No. 31.

Commissioner Dean Leavitt explained, as Staff and appointed officials, they needed to be as pro-active as possible in working with the applicants in providing the very best projects and as we looked at higher levels of development in the future, if a dual left turn lane was something that was either plausible or possible, it should be addressed at an earlier stage in the development process. He asked Staff, if the applications had not been tabled two weeks ago due to the power outage, if the projects would have been approved as recommended at that time. Jennifer Doody, of Public Works responded on the Memorandum dated January 22, 2008 from Public Works, there was a condition requesting the extra five feet to be dedicated and explained the only reason it changed from dedication to continuance was because Staff looked at the site plan and realized if the additional five feet was dedicated, it would impact the landscaping and there was not enough room on the site to make it work.

Commissioner Dilip Trivedi concurred with comments made by Commissioners Aston and Leavitt but asked how the dual left turn lane translated into five additional feet of dedication. Mr. Kus explained with dual left turn lanes, typically the minimum width of the lanes were 10 feet. In this instance, they tried to balance the geometry of the intersection design off of the centerline, so within the back-up material, there was a standard drawing, 201.1 that provided a graphic to facilitate the dual left turn lanes at major intersections and it was also anticipated the need for a dedicated right turn lane when there was additional property dedication to allow for the full complement of construction of the intersection geometry that provided for dual left, two thru lanes and/or a dedicated right lane. The five feet, in this instance, also takes into consideration the additional dedication that was coming off of the opposing corner.

Commissioner Ned Thomas concurred with comments made by other Commissioners and was in support of the application with the requested waivers. He commented that if the principals of the North 5th Street Transit Supportive Concept Plan were applied, this type of development was not consistent with that plan, in that it was predominantly auto oriented and there were the usual pedestrian connections, but they were minimal and the site connectivity between the proposed development and the residential development next to the school was not as good as it could have been. Under a different set of circumstances, this was the type of development that would be better built in a pedestrian friendly and transit supportive way, and it was not; however, the development was good for the site, so he could support it.

Chairman Brown asked Staff if Item Nos. 1 through 3 could be voted on together. Mr. Jordan deferred the question to the City Attorney.

Nick Vaskov, Deputy City Attorney indicated as long as the conditions were consistent with all of the applications, it would be acceptable.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NOS. 3.D AND 31 AMENDED TO READ:**

- 3.D. PROVIDE A TWENTY (20) FOOT PERIMETER LANDSCAPE AREA INCLUDING A FIVE (5) FOOT SIDEWALK MEASURED FROM THE BACK OF THE CURB ALONG THE FRONTAGE OF NORTH 5TH STREET.**
- 31. IF ACQUIRED, THE DEVELOPER SHALL PROVIDE OFFSITE IMPROVEMENTS ALONG ALEXANDER ROAD THAT EXTEND TO APN 139-10-511-029.**

MOTION: Commissioner Aston
SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston,
Cato, and Thomas
NAYS: None
ABSTAIN: Commissioner Shull

Commissioner Harry Shull returned to Chambers at 6:47 p.m.

4. UN-14-08 (33744) STORAGE ONE AT CHEYENNE POINT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY STORAGE ONE ON BEHALF OF CHEYENNE MINI STORAGE PARTNERS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW U-HAUL RENTAL VEHICLES IN CONJUNCTION WITH AN EXISTING MINI-STORAGE FACILITY. THE PROPERTY IS LOCATED AT 2435 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-14-515-005 AND 139-14-515-006. (TABLED FEBRUARY 13, 2008)

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting two vehicles on site that could be rented. In reviewing the application, Staff had no objection to the use, however, the applicant was proposing to store the two vehicles on the southern side of the site behind Building "E", and was proposing to remove some landscaping between the building and the block wall. The area to enter was approximately 13 feet wide and the area where the vehicles would be stored was approximately 10 feet by 25 feet for each vehicle. Staff was concerned, with the bottle-neck that it would be difficult to maneuver the vehicles. The Police Department indicated they would like the vehicles to be in view of the office and, according to Staff's review, the site did not have any additional parking within the confines of the storage facility that would allow them to store the vehicles in a different location. Staff was recommending denial of UN-14-08 as Staff felt the use was not conducive to the site and did not want the vehicles stored next to Cheyenne Avenue. Mr. Jordan reminded the Commission, because the site was located within the north Redevelopment area, the application would be forwarded to the Redevelopment Agency for final consideration. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That UN-14-08 is site specific and non transferrable.
3. That storage/parking of the rental vehicles shall be prohibited in areas immediately adjacent to and visible from Cheyenne Avenue.
4. That the maximum number of rental vehicles on-site be limited to two (2) vehicles.
5. That UN-14-08 shall comply with the conditions of approval for SPR-35-05 and UN-66-05.

Bob Genzer, Genzer Consulting, 9612 Hawksbill Court, Las Vegas, NV 89117 appeared on behalf of the applicant indicating he did not agree with Staff's recommendation, but did agree with the "if approved" conditions recommended by Staff should the Commission determine approval was warranted. Mr. Genzer explained there

was an eight foot wall along the street to the south of the site, residential to the south and east and there was also an eight foot wall along the building edge and a 20 foot landscape planter between the building and the homes to the east. In terms of accessibility, the public, and anyone renting one of the vehicles, would not be in the area where the trucks were stored. The property had an on-site manager who would take the vehicles to the front of the site. There was currently a security system with cameras at various locations on the site, so security was not an issue. At the present time, there were no monitors or cameras in the area where the trucks would be stored; however, the applicant would agree to a condition that required an additional camera to be placed on the south side of the building to monitor the area. Mr. Genzer explained U-haul rental vehicles were an ancillary use to that type of project and were needed and he had been informed the facility had lost some business due to not having rental vehicles available to transport belongings.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston clarified with Mr. Genzer that customers would not be moving the rental vehicles to or from the area where they were stored. Mr. Genzer responded that was correct, only the manager of the facility would be moving the trucks to and from the area where they were stored. Commissioner Aston asked where the trucks would be parked until they were driven out of the facility by the customer. Mr. Genzer responded the manager would park the vehicle by the office until the customer drove it off the site.

Commissioner Aston asked the Police Department why the vehicles being parked at the rear of the site would cause a security concern. Jose Rodriguez of the Police Department explained there had been problems in the past with other storage facilities, with RV parking or truck rental being vulnerable because they had been put in a remote portion of the property that was unmonitored and were being broken into. Commissioner Aston asked Mr. Rodriguez his opinion of security cameras on the area. Mr. Rodriguez responded security cameras would help and there would not be a problem if a camera was added and possibly motion sensor lighting. Since there was on-site security overnight, a sensor light could alert the security person that something might be happening in the area of the truck storage.

Commissioner Aston asked if the issue of a manager or someone who was an employee of the property being the only person pulling trucks in and out could be controlled through a condition. Mr. Jordan responded that was a concern, but Staff could not control it with the addition of a condition. If there was a desire to approve the application, a condition could be added regarding the surveillance of the vehicles.

Commissioner Ned Thomas asked Mr. Genzer if he felt adding a security camera in the area where the trucks were parked was sufficient. Mr. Genzer responded the applicant

indicated it was not a concern, as the truck would be empty when they were stored. Commissioner Thomas asked if two trucks would be enough. Mr. Genzer responded the site would only accommodate two trucks.

Chairman Steve Brown explained he was concerned with having a condition that required the manager to drive the rental vehicles; because, if there was an accident on the site, liability might come back on the City.

Marc Jordan, Planning Manager read Condition No. 6 to read: "The storage/parking area of the rental vehicles shall be under 24 hour video surveillance."

Commissioner Aston asked Mr. Jordan his opinion of management moving the vehicles. Mr. Jordan responded he agreed with the comment made by Chairman Brown.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE ADDITION OF CONDITION NO. 6 TO READ:

6. THE STORAGE/PARKING AREA OF THE RENTAL VEHICLES SHALL BE UNDER 24 HOUR VIDEO SURVEILLANCE.

FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

5. **T-1311 (33434) THE COVE. AN APPLICATION SUBMITTED BY ROCKPORT CONSTRUCTION, ON BEHALF OF WRM ENTERPRISES LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A 12-LOT RESIDENTIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF WASHBURN ROAD AND CONWAY STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-34-701-007. (TABLED FEBRUARY 13, 2008)**

The application was presented by Marc Jordan, Planning Manager who explained the development was consistent with the approved planned unit development for the site. In reviewing the map, the only note made, was that the sidewalk next to the perimeter street would need to be meandering as required by the Residential Design Standards, which was also consistent with the developments on both sides of the property. Staff was recommending that T-1311 be approved subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with all conditions of Ordinance 2366 (ZN-96-07) including but not limited to the following;
 - a. A Final Development Plan shall be submitted and approved by the Planning Commission before recordation of a Final Map.
3. The development shall comply with the Single-Family Design Guidelines and Design Standards, including but not limited to providing a meandering sidewalk along Washburn Road.
4. All drainage facility approval is contingent upon Technical Drainage Study review.
5. Dedication of public right of way for Willie Jenkins Jr. Drive is required.
6. Change the suffix from a Drive to a Court per the City of North Las Vegas Street Naming and Address Assignment Standards.
7. Remove the designation of Lot 12 as "open space", and label as a Common Element to be HOA maintained.
8. Dedicate a Public Utilities Easement shall be not less than 20 feet and the sanitary sewer main shall be a minimum of 10 feet off the easement line per Design and Construction Standards for Wastewater Collection System. This easement width

allows for sanitary sewer only. If additional facilities are to be placed within the easement, the easement width shall be increased as approved by the Director of Utilities.

9. Signs and red curbing prohibiting parking will be required around the bulb of the fire access road.
10. The bulb of the cul-de-sac shall be a minimum of 91 feet diameter back of the curb to back of curb.
11. To allow for parking on both sides of the road leading to the bulb of the cul-de-sac, the width of the access road must be 41 feet back of curb to back of curb. Otherwise, the signs and red curbing will be required along one side of the road to prohibit parking.

Sam Dunnam, 3471 West Oquendo Road, Las Vegas, NV 89118 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

6. **T-1228 (33673) LA MADRE GOLDFIELD II. AN APPLICATION SUBMITTED BY POLO HOMES ON BEHALF OF FNF FAMILY TRUST, N. LAS VEGAS II, LLC, AND SERENE INVESTMENTS, PROPERTY OWNERS, FOR APPROVAL OF AN EXTENSION OF TIME OF A PREVIOUSLY APPROVED TENTATIVE MAP IN AN R-1, SINGLE FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF VERDE WAY AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-803-003 THROUGH 124-34-803-006. (TABLED FEBRUARY 13, 2008)**

The application was presented by Marc Jordan, Planning Manager who explained the application was for an extension of time and there were no changes to the original request. Staff was recommending that T-1228 be approved subject to the following conditions:

1. The extension of time shall expire on December 14, 2008, unless extended in accordance with NRS.
2. A technical drainage study update may be required prior to submittal of civil improvement plans.
3. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.

Conditions 4 through 27 were previously approved by the Planning Commission on December 14, 2005.

4. Unless expressly authorized through a variance, waiver or another approved method; the development shall comply with all applicable codes and ordinances.
5. The development shall comply with the Single-Family Development Design Standards.
6. Tentative map T-1228 shall be considered null and void if ZN-92-05 is not approved by the City Council.
7. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.

8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
10. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the geometrics and thickness of the pavement sections will be determined by the Department of Public Works.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Goldfield Street
 - b. Verde Way
 - c. Eagle Way
13. Sixty (60) foot minor residential collector streets must be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
14. Proposed interior, private streets must meet the minimum standards for the City of North Las Vegas set forth in *Clark County Area Uniform Standard Drawing No. 210*. The use of roll curb will require an additional one foot of right of way.
15. Sidewalks are required on a minimum of one side of all interior, private streets.
16. Sidewalks shall be mapped as part of the private street or located within a common element and not part of the lot.
17. The property owner is required to grant roadway easements where public and private streets intersect.
18. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
19. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.130. Conformance may require modifications to the site.

20. All common elements shall be labeled and are to be maintained by the Home Owners Association.
21. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
22. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
23. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
24. A revocable encroachment permit for landscaping within the public right of way is required.
25. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
26. Proposed residential driveway slopes shall not exceed twelve percent (12%).
27. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.

Fred Waid, 10080 West Alta Drive, Las Vegas, NV appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, and Cato

NAYS: Commissioner Thomas

ABSTAIN: None

7. **ZOA-01-08 (33772) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (SECTION 17.20.040, 17.20.060, AND 17.24.215) TO CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; TO ALLOW SINGLE-FAMILY HOMES AND CHANGE THE MINIMUM LOT AREA FOR HOMES WITHIN THE R-2, TWO-FAMILY RESIDENTIAL DISTRICT; AND TO APPLY AND AMEND THE SMALL LOT-DESIGN STANDARDS FOR SMALL-LOT HOMES WITHIN THE R-1 AND R-2 DISTRICTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (TABLED FEBRUARY 13, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the Residential Design Incentive System (RDIS) was a temporary measure and amendment to Title 17 to help enact some of the proposals and recommendations of the Comprehensive Plan and to bring the residential districts into compliance with the Comprehensive Plan. The measure was temporary because the City was currently in the process of rewriting Title 17 and was currently reviewing the first module and the Title 17 re-write should be completed in approximately one year. ZOA-01-08 was the proposed amendments to the existing language, which would allow a change, specifically, and most notably to the R-2 to allow single-family dwelling units in the R-2 District and also slightly changed the densities. It would increase the densities in the R-1 up to six units per acre and would increase the density in the R-2; however, the increases in density, both in the R-1 and the R-2 would require the applicant to use the RDIS. The other changes were amendments to the Small Lot Design Standards, which affect the RDIS to some extent. It also incorporated the proposed changes that have been requested, both by this Board and some City Council suggestions for changes to the Design Standards for the small lots, especially in light of the number of waivers that have been granted or recommended approval for the small lot developments processed to date. Staff was requesting that, if the Board had a problem with any three of the zoning ordinances, since they go together, that all three be continued, or if the Commission was willing to approve them and send them to City Council, that they all three be approved as a group. Staff was recommending that ZOA-01-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt asked Mr. Eastman to comment regarding the possibility of a three story product being included in the small lot developments. Mr. Eastman responded the three story product being proposed would be allowed in the R-2 District and what was previously requested, was that a three story product also be considered in the R-2

Residential District and if it was the Board's decision to add that portion to the Code, 17.20.040 G.4 would be amended to read: "Maximum building height of 35 feet except for lots located at the entry to the development, corner lots or perimeter lots where the side or rear yard has frontage on a street, in which case the maximum building height shall be 28 feet."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDATION TO INCLUDE AMENDMENT TO 17.20.040 G.4 TO READ:

MAXIMUM BUILDING HEIGHT OF 35 FEET, EXCEPT FOR LOTS LOCATED AT THE ENTRY TO THE DEVELOPMENT, CORNER LOTS OR PERIMETER LOTS WHERE THE SIDE OR REAR YARD HAS FRONTAGE ON A STREET, IN WHICH CASE THE MAXIMUM BUILDING HEIGHT SHALL BE 28 FEET.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

8. ZOA-02-08 (33774) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 BY ADDING SECTION 17.24.225 IMPLEMENTING THE CRITERIA FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (TABLED FEBRUARY 13, 2008)

The application was presented by Robert Eastman, Principal Planner who explained ZOA-02-08 was the actual point system used for the Residential Design Incentive System (RDIS) and with this system, there are three categories for both the R-1 and the R-2. The points are directly the amount of dwelling units per acre that would be granted and with the system, the way it is designed, a development in either the R-1 or R-2 would need to get a certain minimum number of points from each category and those were traditionally either architectural amenities, site amenities for the individual lots and another criteria would be site amenities for the whole development, additional park space, more amenities in the parks, better connectivity and the other was to provide more of a mix of housing types and architectural standards. This was the main portion of the RDIS and the language was new and included some language to accept green buildings, especially using criteria submitted by the Southern Nevada Home Builder's Association, that would get certain points and allowed an increase in density. With the revised language, the ordinance adopts the Southern Nevada Home Builder's and the Leed standards for green buildings. Staff was recommending that ZOA-02-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Ned Thomas commented the proposed changes with ZN-02-08 were excellent and felt many issues with small lots that had come up over the years would be solved. It would be taking development in a different direction and was happy to see green building practices incorporated into Title 17, along with the mix of housing types and felt it would be very usable.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

9. ZOA-03-08 (33775) CNLV (PUBLIC HEARING). AN ORDINANCE INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 BY ADDING SECTION 17.28.067 IMPLEMENTING APPLICATION AND REVIEW PROCEDURES FOR DEVELOPMENTS USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (TABLED FEBRUARY 13, 2008)

The application was presented by Robert Eastman, Principal Planner who explained ZOA-03-08 was for the procedures for the Residential Design Incentive System (RDIS), which were similar to what was currently used with the mixed use ordinance. The difference was that final action for an item using the RDIS, was a tentative map approved by the Planning Commission, whereas, a mixed use ordinance would be forwarded to City Council for final consideration. Other than that, the application and the review procedure was very similar to a mixed use development, in that there was a pre-development meeting with the applicant to try to have the applicant and Staff work together to hash out all of the problems or to work together to get the density that was requested, so when the application was presented to the Planning Commission, all parties were in agreement and approval would be recommended. Staff was recommending that ZOA-03-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt thanked Staff for their efforts to bring the Title 17 changes to fruition.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

10. ZOA-04-08 (34150) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (SECTIONS 17.12.020, 17.20.100, 17.20.110, 17.20.120, 17.20.140, 17.20.230, AND 17.28.050) AND ADD SECTION 17.24.105 REGARDING DEFINITIONS, TERMINOLOGY: AND PROCEDURES FOR BOTH "ON-SALE" AND OFF-SALE LIQUOR USES AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (TABLED FEBRUARY 13, 2008)

The application was presented by Robert Eastman, Principal Planner who explained ZOA-04-08 was in conjunction with proposed Title 5 changes and was specifically in relation to the land use criteria for "on-sale" and "off-sale" liquor uses within the City. The changes to Title 17 being proposed taking all distance separation requirements that were currently located in both Title 5 and Title 17 and incorporating them into Title 17, which was listed in a table and would be easier to read and understand. The ordinance would also streamline and change some of the definitions, whereas, in Title 17, for the most part, all liquor uses that came before the Commission for "on-sale" were classified as either a supper club or a tavern/restaurant. The problem with those was, that they did not correlate in any way to license categories for business licenses in Title 5. Title 5 has a large number of license categories, which, the way the title was written, put a large number of liquor uses into what was currently called a general "on-sale", which was what Applebee's, PT's, or Mulligan's would have, so it grouped what the Planning Department would think of as a supper club and tavern, using the same license criteria and with the same license criteria, the same fees and checks, so there was a need to change Title 5 and when Title 5 was being amended, it required changes to Title 17. With the changes, it was proposed to put all of the land use criteria for liquor uses in the City, in Title 17, so it could be reviewed by the Planning Commission. The main changes were with the definitions, so instead of having an application for beer/wine "on-sale" or for supper clubs coming before the Commission and then tavern/restaurants going to City Council, that was very similar to what would be done in this criteria, but, instead, it used common language, so the applicant knew when their application was submitted and approved through the Planning Commission, they could see the corresponding liquor license category and move through the system at a faster pace. The only functional changes in the ordinance that were different than what currently existed, was that there were some changes that allowed some waivers to the distance separation requirements that allowed non-profit clubs and "on-sale" liquor establishments, which were currently considered supper clubs, to apply for a waiver of the 400 foot separation from churches and parks. Mr. Eastman explained in the past there had been supper clubs come before the Commission, that were close to a City park and had requested a use permit and Staff recommended denial because they did not meet the separation requirement, City Council had overturned the denial and approved them because they desired restaurants, even if they were closer to a park. It was not that they wanted to see a PT's or Mulligan's next to a park, but they wanted to see more restaurants that might have liquor, but wanted the ability to review it. The other changes were to

streamline the Code, to eliminate text that was repetitive by using charts and the language was put in the Code once and made it more user friendly. The other changes proposed were in Title 5 and they removed the different seating requirements and seating ratios in what would now be a supper club. The other principle change was that the licenses were based on the separation being for gaming, so that if a restricted gaming license was being requested, it would go to City Council for their review and approval and would require the 2500 foot separation. The only other change that would merit comment, was the definition of schools was changed as it related to this code. A school, in this context, was an establishment from K-12, as opposed to what was currently listed in the ordinance, which was any educational establishment. So, the proposed UNLV Campus, when it is built, would not generate the separation requirements.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169** confirmed with Staff that the applications that may have been submitted prior to the adoption of the proposed ordinance, would still be applicable to the current code.

Nick Vaskov, Deputy City Attorney responded the intent was that if there was a use permit currently in the system for either land use approval or business license approval, that the applicant would have the option of complying with the existing code rather than the future code. At some point, the liquor license classification would be converted to the new license classification structure, but would not affect the land use consideration.

- **Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169** appeared representing the Binion Family. He commended Staff on going through the issues and felt everything had been laid out to address many of the issues. He was concerned that the taverns on the mixed use mall site be grand fathered in and also had a concern regarding supper clubs and understood the definition between a restaurant and supper club and thought there needed to be flexibility because in talking with his client, they mentioned they were concerned when mixed use developments were done, it was the restaurants that would drive the people there. He did not want to be told in the future that two supper clubs could not be put together along with the taverns. He felt any issues could be worked out before the application was heard by City Council and the ordinance would clear up many issues they had run into in the past.
- **Jeffrey Silver, Esq., Gordon and Silver Law Firm, 3960 Howard Hughes Parkway, Las Vegas, NV 89169** appeared on behalf of Desert Star indicating he was in favor of the application and felt the work done on the ordinance was excellent

and long overdue to try to organize the liquor code. He was concerned that Desert Star was not in an outlying area that was yet to be developed, like the Binion property, but were packed into a commercial area that was already in existence. As a result of that, with the MUD, he understood there would be no distance restrictions between locations that might be authorized within the particular MUD approved project; however, they may have facilities located around them and there was a school on the other side of North 5th Street that could impact the distances as to where they must place certain items on their property. If they were talking about adequate barriers as being the 215 Beltway, I-15, etc., they probably should take a look at roadways that were projected to be 150 feet as being an adequate barrier so there could be the flexibility within their own project to place their eating and drinking establishments in a location that was purposeful in terms of the traffic flow they were desiring. The other issue had to do with child care. He indicated there was a lot of commercial in the shopping center and wanted to be sure some of the requirements regarding day care be excluded from the distance requirements within the MUD. He commented when there was an MUD project, it seemed it was very carefully considered by Staff, the Planning Commission and City Council before it was approved and felt once it was approved, it should be exempted from any of the other requirements that pertain to how other businesses that are located outside of an approved district should operate and felt it should be looked at as a self-contained city. That should also hold true with respect to the kinds of businesses that would be allowed; for example, in the case of the ratios provided, if they wanted to create a restaurant row, as long as it was put in the MUD at the beginning. He was looking for the maximum flexibility.

- **George Garcia of G.C. Garcia, Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** commended Staff on their efforts to simplify the Code. He would continue to work with Staff before the application was heard by City Council and agreed with Mr. Gronauer on making sure the grand fathering issues were taken care of and also with Mr. Silver on the mixed use projects to make sure they were protected within and from outside the project from the proximity requirements. The developers were looking for certainty and predictability from the City's rules and regulations. Some of the regulations in the new code were carryover from the current Code and some thought and consideration should be given to some of them. Currently, the commercial center definition required a 100,000 square foot major anchor. He explained there were projects in the valley that did not have a 100,000 square foot anchor and were tremendous commercial centers. With the current regulations, you could not have that type of mall, as there must be a major anchor. He felt the new proximity requirements for gaming caused a new level of difficulty and problems and indicated hotels had lounges and in the lounges there might be gaming establishments, which would fall under the same restricted gaming category, which also needed to be considered. Nobody could anticipate all of the circumstances that would be encountered, so flexibility should be added that gave

the Planning Commission and City Council the ability to determine when an adequate barrier existed, not try to spell out every circumstance in the Code. The base distance requirements on door to door rather than property line to property line should be considered. He also had a concern regarding the requirement to obtain a business license within six months of receiving a certificate of occupancy.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt indicated after hearing comments from the public, he would be in favor of approval and asked to be included in the meeting to be held regarding the ordinance. He expressed his concern about the way the zoning ordinance amendment was presented to the Planning Commission and wanted the Planning Commission included to the fullest extent before they went to City Council. He understood the necessity to expedite the process.

Chairman Brown stated anytime a major revamp was done of anything pertaining to law, you could end up with unintended consequences and he felt Mr. Garcia had brought forth several examples of unintended consequences and as long as Staff diligently looked for those consequences before the ordinance was approved by Council, he could support the application.

Nick Vaskov, Deputy City Attorney explained when the zoning ordinance amendment process was started a year and a half ago, one of the things that was expressed was that it would be a big undertaking and it would be very difficult to anticipate all of the consequences of doing this kind of revision to the Code and that everyone was under the common understanding that as unintended consequences came to their attention, Staff would be willing to look at them, whether it was before it was enacted or going forward when it was discovered, as the development community came forward with applications when using the system.

Chairman Brown stated having someone like Mr. Garcia or Mr. Silver coming forward pointing things out, so they could be addressed was helpful.

Commissioner Ned Thomas agreed the zoning ordinance amendment was an improvement over what was currently being used. He commented that North 5th Street was intended to be pedestrian friendly to support future transit and he disagreed with the idea of using that particular 150 foot right-of-way to be considered an adequate barrier. He agreed, every possible consequence could not be thought of, but if North 5th Street was to be pedestrian friendly, it could not be considered as an adequate barrier for taverns.

Deputy City Attorney Vaskov stated one of the things being struggled with, was to balance the direction received from Council to liberalize the Liquor Code, especially, the proximity requirements, along with the desire by Council that there be some hard and fast rules and

lines with regard to those same things. He thought to the extent direction was received from Council, Staff had done a good job. Many of the concerns raised at this meeting, were valid concerns in Staff's opinion, but they could only go as far as direction had been received from Council.

Commissioner Dilip Trivedi asked if c-stores had to apply for a beer/wine license and if there were proximity requirements in the code for them. Mr. Eastman responded if a c-store was selling beer or wine, they would have a beer/wine "off-sale" license and all "off-sale" licenses were covered by the 400 foot separation requirement. Actual independent liquor stores were covered by a 1500 foot separation of like uses from liquor store to liquor store but a convenience store that had a beer/wine license was only covered by the 400 foot separation from schools and churches.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

There was a break in proceedings at 7:47 p.m.

The meeting reconvened at 7:58 p.m.

11. ZOA-05-08 (34299) CNLV (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (SECTIONS 17.24.080 AND 17.28.050) REGARDING ADDITIONAL SECURITY MEASURES FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

The application was presented by Robert Eastman, Principal Planner who explained the additional security measures would include, but not be limited to razor wire, barbed wire, and/or electrical fencing. This would be allowed with a special use permit in all commercial and industrial districts. The applicant would need to show that other methods were not suitable and this was the best option available and would need to submit and show they had worked with the Police Department and worked on a Crime Prevention Through Environmental Design (CPTED) analysis to support their claim. They also would need permission and approval from adjacent property owners, if it was on the property line or the additional fencing would need to be located solely on their property. Staff was recommending that ZOA-05-08 be approved.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Chairman Brown asked how this type of security was currently obtained. Mr. Eastman responded razor wire was currently not allowed.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

12. **SPR-29-07 (33831) BROADSTONE ELDORADO. AN APPLICATION SUBMITTED BY ALLIANCE RESIDENTIAL ON BEHALF OF ALLROCK ELDORADO FEE LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN O-L/DA, OPEN LAND / DEVELOPMENT AGREEMENT DISTRICT TO DELETE A CONDITION OF APPROVAL. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 250 FEET WEST OF CAMINO AL NORTE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-501-012.**

The application was presented by Robert Eastman, Principal Planner who explained the application was a request to delete one condition of approval from a previously approved site plan, which was a requirement for a traffic study. The Public Works Department reviewed the application and agreed that the traffic study amendment was not needed at this time; therefore, Staff was recommending that SPR-29-07 be approved with the deletion of Condition No. 9.

Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation and explained the project was located within the Eldorado community and was wrapped into the Development Agreement between the City of North Las Vegas and the master developer, Pardee. As a result of that, Pardee, in the Development Agreement, had conducted traffic studies and paid all fees associated with them.

ACTION: APPROVED; TO DELETE CONDITION NO. 9 OF PREVIOUSLY APPROVED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

13. **WAV-01-08 (33960) TERRIBLE HERBST TROPICAL/LOSEE. AN APPLICATION SUBMITTED BY TERRIBLE HERBST, INC. ON BEHALF OF PARK CENTRAL PLAZA 32 LLC, PROPERTY OWNER, FOR A WAIVER FROM TITLE 16 TO ALLOW A REDUCTION OF THE REQUIRED 200 FOOT SEPARATION FOR A COMMERCIAL DRIVEWAY, FROM A RIGHT-OF-WAY, TO 130 FEET FOR A PROPOSED CONVENIENCE STORE. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-004.**

The application was presented by Toni Ellis, Planner who explained the Department of Public Works expressed the requested reduction proposed safety concerns and, in addition, UN-34-07 for a convenience food store with gas pumps and SPR-50-05 were previously approved meeting the distance requirement. The desired changes by the applicant have created a self-imposed hardship; therefore, Staff was recommending that WAV-01-08 be denied. Should the Commission determine approval was warranted, the following conditions are recommended:

1. The proposed site shall be in conformance with approved applications SPR-50-05, and UN-34-07.
2. The combination deceleration and right turn lane into a right in only driveway along Losee Road shall be constructed as shown on the submitted plans.

Katie Fellows, Jones & Vargas, 3773 Howard Hughes Parkway, Las Vegas, NV 89169 appeared on behalf of the applicant indicating the site development review was approved in May, 2007. They were requesting one additional access point and driveway, which would be a partial access, right-in only, driveway at 130 feet from the intersection. In addition to allowing the partial access only, to help mitigate any negative traffic impact along Losee Road, they have also provided a 100 foot deceleration lane and believe it would help minimize any negative traffic flow impacts along Losee Road and would also ease the access for customers into the site. Without access at that point, the nearest existing access point was at nearly 330 feet and the applicant believed, at that distance, customer traffic would be severely restricted and reduced to the site. They also believe that adding an additional driveway would improve the internal site flow of the entire shopping center, as it would provide direct access to the applicant's site and additionally, provide direct access to the bank's drive-thru which has been reoriented since the original approval of the entire commercial center and indicated she agreed with the "if approved" conditions recommended by Staff.

Commissioner Dilip Trivedi disclosed he had worked with the applicant's architect on another project but did not feel it would impact his decision on the current application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston,
Shull, and Thomas

NAYS: Commissioner Cato

ABSTAIN: None

Mr. Eastman pointed out since the application was a waiver, it would be forwarded to City Council for final consideration.

14. **T-1314 (33799) CHEYENNE COMMERCE CENTER PH III. AN APPLICATION SUBMITTED BY VLMK CONSULTING ENGINEERS ON BEHALF OF HARSCH INVESTMENT PROPERTIES II LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A ONE (1) LOT INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CHEYENNE AVENUE AND REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-09-801-005.**

The application was presented by Toni Ellis, Planner who indicated Staff was recommending approval of T-1314 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That the development of this site shall be in compliance with all conditions of SPR-39-07.
3. The size and location of any drainage facilities and/or easements shown are contingent upon review and approval of a Technical Drainage Study.
4. NDOT is to mill and overlay Cheyenne Avenue beginning in April 2008. All proposed utility stubs must be constructed prior to this date, failure to do so will deter any utility taps allowed along the Cheyenne Avenue frontage.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. 50' for Cheyenne Avenue
 - b. 40' for Revere Street
6. The property owner is required to grant a roadway easement for a 3 x 30 foot loading pad per *Clark County Area Uniform Standard Drawing* number 234.2.
7. The property owner is required to remove all billboards from the right of way.
8. Dedication for Revere Street right of way must be completed within 90 days from approval of this tentative map.
9. All off-site improvements must be completed with the first phase of project.

10. No private lift stations are allowed in the City of North Las Vegas, unless otherwise approved by the Director of Utilities.
11. Septic Tanks are not allowed in the City of North Las Vegas, unless otherwise approved by the Director of Utilities.

Kirby Adams, 720 Susanna Way, Las Vegas, NV appeared on behalf of the applicant indicating Nevada Department of Transportation, (NDOT) would be improving Cheyenne Avenue and Condition No. 5 indicated a 50 foot right-of-way was to be constructed and dedicated, which contradicted what NDOT would be doing.

Clete Kus of Public Works explained the intent of Condition No. 4 was not only to make the applicant aware of the forthcoming NDOT project to resurface and re-stripe Cheyenne Avenue, it was indicating it would be their responsibility to get their utility stubs in place prior to that project to avoid any situations whereby after the road was immediately paved, the roadway was being torn up. In regards to Condition No. 5, the best he could ascertain was there might have been some uncertainty that dedication for Cheyenne Avenue and Revere Street might not have occurred and that in conjunction with the approval of the tentative map, should that not be the case, that the respective dedication be made as well as the following half street improvements also occur. Based on the conversation, the concern related to Revere Street, as not all of the improvements or dedication may have occurred at this point.

Mr. Adams requested that Condition No. 8 be amended to 180 days instead of 90 days.

Jennifer Doody of Public Works agreed to amend Condition No. 8 to 180 days.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 8 AMENDED TO READ:

8. DEDICATION FOR REVERE STREET RIGHT OF WAY MUST BE COMPLETED WITHIN 180 DAYS FROM APPROVAL OF THIS TENTATIVE MAP.

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 18 was heard next.

OLD BUSINESS

15. **AMP-01-08 (33145) ANN/CLAYTON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HIGHPOINT SPRINGS REALTY ON BEHALF OF ANN COLEMAN, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (UP TO 6 DU/AC) AND COMMUNITY COMMERCIAL TO MULTI-FAMILY (UP TO 25 DU/AC). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-29-802-005, 124-29-802-006 AND 124-29-802-011. (CONTINUED JANUARY 9, 2008) (TABLED FEBRUARY 13, 2008)**

It was requested by the applicant to continue AMP-01-08 to March 26, 2008.

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89031** was opposed to the application as it would devalue his property and overburden the Police Department. There was a problem with children breaking into homes after school.
- **Tracy Shebay, 5728 Kona Mountain Street, North Las Vegas, NV 89031** was opposed to the application as it would cause an increase in crime and the schools in the area were already overcrowded. She suggested the property be used for restaurants and retail.
- **Darrell Causey, 5732 Kona Mt. Street, North Las Vegas, NV 89031** submitted a petition signed by residents who were opposed to the zone change and agreed with previous comments. The homes in the area were single story and he did not want to see multi story buildings.
- **Shelly Reese, 2203 Hawaiian Breeze, North Las Vegas, NV 89031** was opposed to the application as her back yard backed up to the proposed development. She explained the elementary school in the area had 12 portable classrooms and was on a year-round schedule and could not handle a heavier load.
- **Patricia Persico, 2120 Easedale Court, North Las Vegas, NV 89031** was in real estate and felt there was a huge problem in North Las Vegas with foreclosures and did not feel more vacant housing should be added and did not feel a rezoning of the property was in the best interest of the residents.

- **Dawn Edwards, 2320 Maui Surf Avenue, North Las Vegas, NV 89031**, president of the homeowners association that bordered the proposed development, was opposed as the schools were overcrowded, traffic was a problem, crime was an issue, foreclosure rates were high and submitted a speech she had prepared.
- **George Pawlisz, 2021 Silver Blaze Court, North Las Vegas, NV 89031 and Cindy Fuller, 2022 West el Campo Grande Avenue, North Las Vegas, NV 89031** appeared in opposition of the application. Mr. Pawlisz stated they agreed with previous comments and approval would hurt property values of the current residents.
- **Stephanie Welborn, 2506 Inlet Spring, North Las Vegas, NV 89031** was opposed to the application as the schools were already overcrowded, crime would be increased and the traffic would be increased, which would all affect the quality of life for the neighborhood.
- **Henrietta Caldwell, 2514 Inlet Spring Avenue, North Las Vegas, NV 89031** was opposed to the application.
- **Doug Manning, 5841 Coleman Street, North Las Vegas, NV 89031** was opposed to the application as his quality of life would be affected.
- **Vince Caterino, 2119 West el Campo Grande Avenue, North Las Vegas, NV 89031** was opposed to the application. He indicated he was advised by Lora Dreja, legal representative of the application, that the property was not planned to be built as apartments, but would be condos and he was opposed to either.
- **Ignacio Maya, 2019 West El Campo Grande Avenue, North Las Vegas, NV 89031** was opposed to the application and did not want to see apartments built on the property.

Chairman Brown closed the Public Hearing.

ACTION: CONTINUED TO MARCH 26, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

16. **ZN-01-08 (33237) ANN/CLAYTON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HIGHPOINT SPRINGS REALTY ON BEHALF OF ANN COLEMAN LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND COLEMAN STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-29-802-005, 124-29-802-006 AND 124-29-802-011. (CONTINUED JANUARY 9, 2008) (TABLED FEBRUARY 13, 2008)**

It was requested by the applicant to continue ZN-01-08 to March 26, 2008.

The following comments were carried forward from Item No. 15:

Chairman Steve Brown opened the Public Hearing. The following participants came forward:

- **Don Sparkman, 1411 Silent Sunset Avenue, North Las Vegas, NV 89031** was opposed to the application as it would devalue his property and overburden the Police Department. There was a problem with children breaking into homes after school.
- **Tracy Shebay, 5728 Kona Mountain Street, North Las Vegas, NV 89031** was opposed to the application as it would cause an increase in crime and the schools in the area were already overcrowded. She suggested the property be used for restaurants and retail.
- **Darrell Causey, 5732 Kona Mt. Street, North Las Vegas, NV 89031** submitted a petition signed by residents who were opposed to the zone change and agreed with previous comments. The homes in the area were single story and he did not want to see multi story buildings.
- **Shelly Reese, 2203 Hawaiian Breeze, North Las Vegas, NV 89031** was opposed to the application as her back yard backed up to the proposed development. She explained the elementary school in the area had 12 portable classrooms and was on a year-round schedule and could not handle a heavier load.
- **Patricia Persico, 2120 Easedale Court, North Las Vegas, NV 89031** was in real estate and felt there was a huge problem in North Las Vegas with foreclosures and did not feel more vacant housing should be added and did not feel a rezoning of the property was in the best interest of the residents.

- **Dawn Edwards, 2320 Maui Surf Avenue, North Las Vegas, NV 89031**, president of the homeowners association that bordered the proposed development, was opposed as the schools were overcrowded, traffic was a problem, crime was an issue, foreclosure rates were high and submitted a speech she had prepared.
- **George Pawlisz, 2021 Silver Blaze Court, North Las Vegas, NV 89031 and Cindy Fuller, 2022 West el Campo Grande Avenue, North Las Vegas, NV 89031** appeared in opposition of the application. Mr. Pawlisz stated they agreed with previous comments and approval would hurt property values of the current residents.
- **Stephanie Welborn, 2506 Inlet Spring, North Las Vegas, NV 89031** was opposed to the application as the schools were already overcrowded, crime would be increased and the traffic would be increased, which would all affect the quality of life for the neighborhood.
- **Henrietta Caldwell, 2514 Inlet Spring Avenue, North Las Vegas, NV 89031** was opposed to the application.
- **Doug Manning, 5841 Coleman Street, North Las Vegas, NV 89031** was opposed to the application as his quality of life would be affected.
- **Vince Caterino, 2119 West el Campo Grande Avenue, North Las Vegas, NV 89031** was opposed to the application. He indicated he was advised by Lora Dreja, legal representative of the application, that the property was not planned to be built as apartments, but would be condos and he was opposed to either.
- **Ignacio Maya, 2019 West El Campo Grande Avenue, North Las Vegas, NV 89031** was opposed to the application and did not want to see apartments built on the property.

Chairman Brown closed the Public Hearing.

ACTION: CONTINUED TO MARCH 26, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

17. **ZN-04-08 (33540) STEVEN HORSFORD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY STEVEN HORSFORD ON BEHALF OF NEVADA PARTNERS INC., PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A YOUTH AND ADULT VOCATIONAL EDUCATION FACILITY WITH NUMEROUS COMMERCIAL ENTERPRISES INCLUDING, BUT NOT LIMITED TO, "ON-SALE" LIQUOR USES, CHILD CARE FACILITY AND A HOTEL. THE PROPERTY IS LOCATED AT 710 WEST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-22-201-017. (CONTINUED JANUARY 23, 2008)**

It was requested to continue the application to March 12, 2008.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: CONTINUED TO MARCH 12, 2008

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

- 18. FDP-05-07 (31589) CENTENNIAL & LOSEE PROJECT. AN APPLICATION SUBMITTED BY JACK BINION AND PHYLLIS COPE PROPERTY OWNERS, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF NINE (9) RETAIL PADS, THREE (3) OFFICE BUILDINGS AND TWO (2) PARKING GARAGES. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS124-25-101-001. (CONTINUED AUGUST 8, OCTOBER 24, DECEMBER 12, 2007, JANUARY 9 AND 23, 2008)**

The application was presented by Toni Ellis, Planner who explained the original Staff Report recommended continuance; however, revised elevations were received, which brought the site into compliance with the Commercial Design Guidelines. One additional condition of approval was added and Staff was recommending approval of FDP-05-07 subject to the conditions listed in the revised memorandum dated February 27, 2008 as follows:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The development shall comply with all applicable conditions of Ordinance 2416.
3. Submit detailed landscape plan showing size, type and location of the plants for review and approval of the Planning & Zoning Department.
4. At the time of building permits, provide a detailed color scheme for all the proposed buildings consistent with the colors in the Las Vegas Valley and its surroundings.
5. Provide a six (6) foot wide foundation landscaping around the proposed new buildings. If the foundation landscaping is determined to be impractical because of soil conditions either landscaping may be transposed with the sidewalk or above ground planters shall be provided.
6. The sewer main in Losee Road is at capacity. The City is currently designing a 36-inch sewer in Losee Road from Centennial Parkway to Craig Road. Should the subject project be ahead of the City's project, the developer will be required to oversize the existing 8-inch sanitary sewer main to 36-inch from manhole to manhole along the frontage of Losee Road, unless otherwise approved by the Director of Utilities. The project needs to be completed prior to the completion of Losee Road Improvements Project.

Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89169 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Ned Thomas asked why two parking garages were necessary. Mr. Gronauer responded when dealing with medical facilities, more parking was needed.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston, Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

19. VAC-01-08 (33609) WATER AVENUE VACATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ALCO LANDSCAPE AND C&D CONSTRUCTION ON BEHALF OF FERNANDO ARRIAGA, PROPERTY OWNER, TO VACATE WATER AVENUE, COMMENCING AT STOCKER STREET AND PROCEEDING WEST APPROXIMATELY 345 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-22-811-005 AND 139-22-811-029. (CONTINUED JANUARY 23 AND FEBRUARY 13, 2008)

The application was presented by Toni Ellis, Planner who explained Staff was recommending that VAC-01-08 be denied as the requested vacation would result in parcels being landlocked. However, should the Commission determine approval was warranted, the following conditions were recommended:

1. The location of the fence and gate is subject to approval of the City Traffic Engineer.
2. A public utility easement is to be reserved over entire area to be vacated.
3. Should the Order of Vacation not recorded within two years of the approval date, the vacation shall be deemed null and void.
4. Appropriate mapping is required to consolidate parcel to avoid land locking.
5. All parcels left without adequate emergency access due to the vacation of Water Street shall either be provided with an emergency access easement, or shall be provided with access via neighboring parcels. In either case, the access roads shall be designed per the fire code and approved per the Fire Department. Any easements or cross-access agreements are to be documented to the satisfaction of Real Property Services for the City of North Las Vegas.
6. No block wall shall be constructed over the existing twelve (12) inch water and eight (8) inch sewer mains. Decorative wrought iron gates are required. The Developer must coordinate with Utilities Department and the Fire Department to discuss requirements regarding access to existing facilities in the area. Plans for the decorative wrought iron gates and fencing shall be subjected to review and approval of the Utilities and Fire Departments during the building permit process. The plans shall depict the horizontal and vertical alignment of the water and sewer mains.

The applicant was not present.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt

SECOND: Chairman Brown

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston,
Shull, Cato, and Thomas

NAYS: None

ABSTAIN: None

PUBLIC FORUM

Scott Sauer, no address given, spoke regarding the Clark County School District item that was recently heard by City Council and felt, since the site plan was drastically changed, it should have gone back before the Planning Commission for their consideration.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Commissioner Jo Cato thanked Commissioners and Staff for their help and support after the loss of her daughter.

Commissioner Dean Leavitt reported a presentation would be made to City Council by Crime Prevention Through Environmental Design (CPTED) in the near future.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

APPROVED: March 26, 2008

/s/ Steve Brown
Steve Brown, Chairman

/s/ Jo Ann Lawrence
Jo Ann Lawrence, Recording Secretary