

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

March 11, 2009

**BRIEFING:** 5:38 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

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

**STAFF PRESENT:** Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Nick Vaskov, Assistant City Attorney  
Jennifer Doody, Development & Flood Control  
Lorena Candelario, PW Real Property Mgmt.  
Clete Kus, PW, Transportation Planner  
Mike Steele, Fire Department  
Jose Rodriguez, Police Department  
Carolyn Keller, Utilities Department  
Jo Ann Lawrence, Recording Secretary

**WELCOME:** Chairman Angelo Carvalho

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE** Commissioner Jay Aston

**PUBLIC FORUM**

There was no public participation.

**MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 11, 2009.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: \_\_\_None

**Item No. 3 was heard next.**

**NEW BUSINESS**

1. **ZN-11-98 (38241) DIABLO PROPERTY MANAGEMENT LLC (PUBLIC HEARING) AN APPLICATION SUBMITTED BY ROBERT GOODSITT REAL ESTATE ON BEHALF OF DIABLO PROPERTY MANAGEMENT, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW RETAIL/COMMERCIAL USES IN THE BUILDINGS ADJACENT TO THE NORTHERN PROPERTY LINE. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CRAIG ROAD AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-06-613-002, 139-06-613-003, 139-06-613-004 AND 139-06-613-005.**

The application was presented by Marc Jordan, Planning Manager who explained the application was to amend a condition of a previously approved planned unit development. When the application was originally approved, there was a condition that stated the buildings on the northerly property line would only be allowed to have medical and professional office uses. However, over time, the condition has been requested to be amended. The last amendment stated they could apply for principally permitted uses as a special use and that those items were required to go before City Council for final consideration. The applicant was asking that the condition be amended to treat the area as any C-1 District, if the use was principally permitted, it would be allowed and if it was a special use, it could go in as a special use that would be reviewed and approved by the Planning Commission. In reviewing past approvals for the development, it appeared everything that had come before the Commission and City Council had been approved and it did not appear, from reviewing the minutes, that any residents from the adjacent properties had opposed the use permits. The properties to the north were ranch estates properties, many with horse corrals that were between the homes and the commercial buildings and there were also detached buildings on some properties and it was felt the horse corrals and sheds would help serve as a barrier between the commercial buildings and the residences; therefore, Staff was recommending approval of ZN-11-98 subject to the following conditions:

1. That a traffic study is required.
2. That a comprehensive drainage study is required.
3. That dedication of perimeter streets is required and offsite improvements are to be as required by the Director of Public Works.
4. That development shall generally conform to the site plan as submitted or as

amended herein.

5. That approval of this application does not imply a commitment by the City for utility service to the subject property. A utility commitment will only be issued upon compliance with the requirements and conditions set forth in the Utility Service Commitment Policy Guidelines available from the Department of Public Works.
6. That landscaping shall be provided in accordance with ordinance requirements.
7. That the driveway location and parking plan shall be subject to review and approval by the North Las Vegas Traffic Engineer.
8. That the final site development plan shall be subject to site plan review and approval by staff.
9. That subsequent expansion or additions to the use shall be subject to Planning Commission review and approval.
10. That the development shall comply with all applicable codes and ordinances.<sup>15</sup> That development shall comply with all applicable requirements of Title 16 and N.R.S. 278.
11. That phasing shall be subject to review and approval by staff.
12. That street construction must conform to current engineering standards and City ordinances.
13. That technical design comments will be made at the time development plans are submitted.
14. The owner/developer is responsible for extending public utilities to the site.
15. An eight foot high wall along the north property line shall be provided in place of the present wall, the design and materials of which shall be approved by the staff.
16. Revised site plans incorporating these conditions of approval, shall be submitted for review and approval by the planning staff prior to the issuance of a building permit.
17. Only permitted uses of the C-1 district shall be allowed. Uses requiring a special use permit may be permitted if a special use permit is approved by the Planning Commission.

- a. No taverns, convenience stores or convenience food restaurants shall be permitted.
18. Building elevations, colors and materials shall be subject to review and approval by the Planning Commission and shall incorporate the following:
    1. Architectural relief shall be included on all faces of the building in the form of columns, tile bands and decorative roofs. Exterior wall surfaces shall have a texture similar to stucco.
    2. No more than 15% of the front building face shall be plastic or similar material. No plastic or similar material shall be used on the sides or rear of the building.
    3. All roof mounted equipment shall be screened by a parapet wall integral to the design and construction of the building from street rights-of-way and adjacent properties.
    4. No exhaust vents shall be permitted to extend from the side of the building.
    5. No exterior roof ladders shall be permitted. Access to the roof shall be from within the building.
    6. If awnings are used, materials and colors shall be subject to review and approval by the Planning Commission. No back-lit awnings shall be permitted.
    7. All buildings shall use similar architectural style, materials and colors.
  19. A minimum 15 feet of landscaping shall be provided adjacent to Craig Road.
  20. The 15 foot landscaped area adjacent to Craig Road shall use either a berm, wall or shrubs, in any combination, to provide a minimum of a three foot tall barrier for preventing light and glare from automobile headlights on adjacent public rights-of-way.
  21. A minimum of 10 feet of landscaping shall be provided adjacent to Valley Drive.
  22. A minimum of 10 feet of landscaping shall be required adjacent to the northern and eastern property lines. The landscaping shall include one evergreen tree of a variety capable of growing to a height that will allow for visual obscurity along the property lines at full maturity, measuring 2 ½ inches in diameter measured 4 ½ feet above the root ball at installation, for every 25 feet of property line.

23. A minimum of a six foot wide landscape island shall be required at the end of all parking rows. An additional six foot wide landscaped island shall be required within the parking row for every 20 parking spaces contained in a parking row.
24. A minimum of one tree well or twenty square foot planter, for every 25 feet of building frontage which faces Craig Road shall be provided in the vicinity of the building. Parking lot landscaping shall not fulfill this requirement.
25. A photometric lighting plan shall be submitted to planning staff for review and approval prior to the issuance of a building permit. The plan shall be prepared by a licensed electrical engineer and shall show the light intensity in foot-candles on a 10 foot grid and the location of proposed structures, parking areas, drive aisles, and pedestrian walkways. The minimum light intensity for all vehicle and pedestrian traffic areas shall be 1.0 foot-candles maintained, with a maximum ratio of 10:1. All lighting shall have sharp cut off properties at residential property lines. No greater than 0.5 foot-candles shall be permitted 10 feet outside of the northern and eastern property lines. Lighting poles shall not exceed 20 feet in height. Parking lot lighting shall be installed prior to the issuance of any certificate of occupancy.
26. Solid masonry trash enclosures a minimum of six feet in height with solid metal gates shall be provided for the project site. The enclosures shall be screened from nearby public rights-of-way. The trash enclosures shall have a minimum of six square feet of trash area for every 1,000 square feet of building area. Area used for trash compactors shall be credited towards this requirement.
27. Location of trash enclosures shall be subject to review and approval of the Development Services Department and City Traffic Engineer. No trash enclosure shall be located within 10 feet of the northern and eastern property lines.
28. All trash compactors shall be fully screened from adjacent properties and public right-of-way.
29. A unified sign program for the shopping center shall be submitted with the final development plan for review and approval by the Planning Commission. All free-standing signage shall have similar housing design, height and common unifying design elements.
30. A bicycle route on Valley Drive shall be provided as required by the North Las Vegas Master Plan.

31. The radius of the spandrel at Valley Drive and Craig Road shall be 54 feet.
32. All requirements of the North Las Vegas Fire Department shall be complied with.

**Tony Celeste of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Mr. Jordan indicated Condition No. 10 was being amended to delete the last sentence, as it was an error and the wording was not necessary. Condition No. 10 would read: "That the development shall comply with all applicable codes and ordinances."

Mr. Celeste agreed to the amendment to Condition No. 10.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 10 AMENDED TO READ:

10. THAT THE DEVELOPMENT SHALL COMPLY WITH ALL  
APPLICABLE CODES AND ORDINANCES.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Vice-Chairman Shull

SECOND: Commissioner Brown

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

NAYS: None

ABSTAIN: \_\_\_None

2. **UN-18-09 (38209) TERRIBLE'S-TEXACO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VISION SIGN, INC. ON BEHALF OF HERBST DEVELOPMENT, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 40-FOOT HIGH FREESTANDING SIGN WHERE 18 FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT 1412 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-602-009.**

The application was presented by Marc Jordan, Planning Manager who explained the requirements in the zoning ordinance allowed developments in a commercial center to have their own sign and there were requirements on how size of the sign. The applicant was requesting a height of 40 feet to allow better visibility due to the palm trees currently on the site. As a result of the height of the sign, they were increasing the size of the sign and asking for a waiver to allow an increase in sign area of 149 square feet where 125 square feet was allowed. Staff was not in support of UN-18-09 because a 40 foot sign was in par with a directory sign for a commercial shopping center and the applicant was asking for something almost the same height as for a pad development. The pad developments within the center or in the vicinity of the center, did not have that privilege, so it was felt the applicant would be given something other business owners were not allowed. Also, it was felt the canopy and the store being located at the corner, served as signage to attract customers. Mr. Jordan explained another option to attract customers traveling southbound on Camino Al Norte or westbound on Craig Road, would be to use monument signs along the frontages of Camino al Norte and Craig Road. Staff was recommending denial of UN-18-09; however, should the Commission determine approval was warranted, the following conditions were recommended:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the entire sign shall be located in the landscape area.
4. The signage shall not exceed 149 square feet.
5. The height of the sign shall not exceed 40 feet
6. The proposed sign shall not be located within the traffic sight visibility zone.

**Darrell Shock, 6630 Arroyo Springs Suite 600, Las Vegas, NV 89113** appeared on behalf of the applicant explaining the taller sign was being requested, as gas sales had dropped 40 percent at that location since changing to a different product name and the sign had been removed. The sign was dwarfed compared to the surroundings. He agreed

with Staff that a 40 foot sign was excessive and requested a 32 foot tall PID sign, which was what was seen in the area. He stated he had talked to the applicant and they were willing to curb the corner and put in desert landscaping around the sign. He explained the sign that was removed was 28 feet tall with 195 square feet and they were requesting a 32 foot high sign with 149 square feet.

Chairman Angelo Carvalho opened the Public Hearing. The following participant came forward:

- **Scott Sauer, 3305 East Lamb Boulevard #3135, North Las Vegas, NV 89086** indicated he was opposed to the application as the current sign was visible.

Chairman Carvalho closed the Public Hearing.

Mr. Shock explained the allowed sign would be 10 feet shorter than what was previously at that location and the gas prices were not visible.

Commissioner Jo Cato asked the applicant the location of the taller sign in the area.

Mr. Shock explained they were approximately three quarters of a mile to the west at Craig Road and Simmons Avenue.

Commissioner Cato asked the height of the original sign that was removed.

Mr. Shock responded it was 28 feet with 195 square feet.

Commissioner Cato clarified the applicant was requesting a 32 foot sign.

Mr. Shock responded that was correct.

Commissioner Cato asked Staff if the applicant would be grandfathered in with a 28 foot sign or if they were required to have an 18 foot sign if the name on the sign was being changed.

Mr. Jordan responded the current 28 foot sign would not be grandfathered, as an 18 foot tall sign was installed and Code did not allow a taller sign. The sign could only be made taller with the Commission's approval.

Commissioner Cato said she would support a 32 foot sign.

Mr. Shock explained 32 foot was a standard sign height throughout the nation.

Commissioner Jay Aston asked the applicant the square footage of the 32 foot sign.

Mr. Shock responded it would be 149 square feet.

Commissioner Steve Brown did not want to see the landscaping changed, but agreed the landscaping blocked the view of the gas prices on the sign. Commissioner Brown questioned Staff about the two signs being suggested.

Mr. Jordan explained they were monument signs.

Commissioner Brown asked Mr. Shock if they could use monument signs.

Mr. Shock responded one sign would be less sign clutter and also by having one sign, it could be oriented on the corner and angled to where it could be seen from all four directions at the intersection as opposed to having two signs that were each only visible from two directions.

Mr. Brown stated he would be in support of a 32 foot 149 square foot sign because it was located on a major arterial.

Vice-Chairman Harry Shull agreed with Commissioners Cato and Brown's comments and was in support of a 32 foot sign with 149 square feet.

Chairman Angelo Carvalho was in support of the 32 foot 149 square foot sign.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 5 AMENDED TO READ:

5. THE HEIGHT OF THE SIGN SHALL NOT EXCEED 32 FEET.

MOTION: Commissioner Cato

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: \_\_\_None

**Item No. 5 was heard next.**

3. **UN-19-09 (38213) BLUE RHINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REED HENKELMAN ON BEHALF OF DOBOS-2000, LP AND REED HENKELMAN, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (A MAXIMUM OF 60,000 GALLONS OF PROPANE) IN CONJUNCTION WITH A PROPANE STORAGE FACILITY. THE PROPERTY IS LOCATED WEST OF CIVIC CENTER DRIVE AND APPROXIMATELY 630 FEET NORTH OF BRANSON AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-12-103-006 AND 139-12-103-041.**

It was requested by the applicant to continue UN-19-09 indefinitely.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Trivedi

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN:\_\_\_None

**Item No. 4 was heard next.**

4. WAV-03-09 (38217) BLUE RHINO. AN APPLICATION SUBMITTED BY REED HENKELMAN ON BEHALF OF DOBOS-2000, LP AND REED AND TORI HENKELMAN, PROPERTY OWNERS, FOR A WAIVER FROM TITLE 16 IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO WAIVE THE SIDEWALK REQUIREMENT FOR A PROPOSED PROPANE STORAGE FACILITY. THE PROPERTY IS LOCATED WEST OF CIVIC CENTER DRIVE AND APPROXIMATELY 630 FEET NORTH OF BRANSON AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-12-103-006 AND 139-12-103-041.

It was requested by the applicant to withdraw WAV-03-09.

ACTION: WITHDRAWN

Item No. 10 was heard next.

5. **UN-20-09 (38254) FLIP-N-OUT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BOYD TRACY ELIASON ON BEHALF OF TOWER DISTRIBUTION CENTER, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATIONAL FACILITY. THE PROPERTY IS LOCATED AT 1841 EAST CRAIG ROAD, SUITE A. THE ASSESSOR'S PARCEL NUMBER IS 139-02-701-001.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy approximately 31,500 square feet of an existing building, which was built in approximately 1986 and was designed as a warehouse/office facility. There are two other suites within the building that were operated by the Cannery Casino and the VA hospital who use it for storage. In reviewing the application, the only issue Staff had was the occupancy related to the parking requirements. According to the Building Department, based upon 31,500 square feet, there could be an occupancy of approximately 625 people; however, the applicant indicated in their letter of intent that he only intended to have an occupancy of approximately 300 people. With an occupancy of 300, they would only need 75 parking spaces; however, the site only had 90 parking spaces and out of those 90 spaces, 74 were allocated to the other uses, which only gave the applicant 16 spaces, but in the revised site plan, it was indicated there was other parking they could incorporate into the site. Seven of the parking spaces shown were not viable; therefore, Staff was only allowing 20 of the spaces, which would give the applicant 36 parking spaces that could be allocated to the proposed use and based on one parking space per four customers, they would be allowed an occupancy of 144 customers from a land use perspective. Staff was recommending approval of UN-20-09 subject to the following conditions:

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. That the occupancy of the facility shall not exceed 144 customers, unless a parking study, and a reciprocal parking agreement if necessary, are reviewed and approved by the Traffic Division. A copy of any/all approved parking agreement(s) shall be provided by the applicant to the Planning & Zoning Department for placement within the appropriate file(s); and
4. Any re-striping of the parking lot shall require prior to approval of the City of North Las Vegas Traffic Engineer to ensure adequate throat depth is maintained.

5. Approval of traffic study is required.
6. A complete code analysis demonstrating compliance with the proposed use change is to be submitted to the City for approval prior to occupancy. Any permit applications for tenant improvements will simultaneously satisfy this requirement.

Commissioner Dilip Trivedi indicated he had worked on the project and would be abstaining.

Commissioner Dilip Trivedi left Chambers at 6:29 p.m.

**Tracy Eliason, 5833 Rowland Avenue, Las Vegas, NV 89130** indicated he concurred with Staff recommendation and agreed to an occupancy of 144 customers. He asked for clarification on Condition No. 4, if the parking lot was re-striped, if they would have to come before the Commission or have it approved by the Traffic Engineer.

Clete Kus of Public Works responded the approval for the re-striping would be through the City Traffic Engineer and Public Works.

Mr. Eliason also questioned the traffic study requirement and asked if it could be waived.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

Commissioner Jay Aston asked if the applicant was willing to have 144 customers, if there was an issue with the parking study.

Mr. Jordan explained there was no parking study required if the applicant maintained 144 customers and thought the applicant was referring to Condition No. 5 and deferred the response to Mr. Kus.

Mr. Kus explained when there was a change in land use, there was potential for increased traffic and there were conditions that required the re-submittal of a traffic study to account for traffic impacts associated with the additional traffic that would be generated. With the proposed application, it appeared the applicant was willing to stay with the 144 occupancy limit and would be agreeable to combining Condition Nos. 4 and 5 that if the applicant

desired to increase the occupancy limit, a traffic study would be required along with the parking study.

Mr. Jordan indicated Condition No. 5 would be amended to read: "Approval of a traffic study is required, or as otherwise required by the Director of Public Works".

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 5 AMENDED TO READ:

5. APPROVAL OF TRAFFIC STUDY IS REQUIRED, OR AS  
OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC  
WORKS.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: \_\_\_ Commissioner Trivedi

Commissioner Dilip Trivedi returned to Chambers at 6:34 p.m.

**6. UN-17-09 (38186) COLIN RESIDENCE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GEORGE E. COLIN, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW A SINGLE-FAMILY DWELLING. THE PROPERTY IS LOCATED AT 2556 ELLIS STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-410-215.**

The application was presented by Robert Eastman, Principal Planner who explained because the property was located within an R-3 District, to meet the zoning requirements, a special use permit was required for a single family home. As the enlargement of the home was substantial, it brought the house closer to compliance and made it a more livable structure, Staff was recommending UN-17-09 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That the residential development shall provide landscaping for the front yard area at a minimum of one five (5) gallon bush for every fifty (50) square feet of nonturf front yard area, not including driveway area.
3. That the residential development shall provide a minimum of one tree planted between the sidewalk and the front of the residence. Trees shall be sized at 24 inch box at the time of installation.
4. That all chain-link fencing within the front yard area shall be replaced with wrought-iron fencing and/or decorative wall.

**George Colin, 2556 Ellis Street, North Las Vegas, NV** indicated he concurred with Staff recommendation.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION: Vice-Chairman Shull**

**SECOND: Commissioner Leavitt**

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

NAYS:       None  
ABSTAIN:\_\_\_None

7. **SPR-02-09 (38210) CROSSROAD TOWNE CENTER SOUTH. AN APPLICATION SUBMITTED BY WIP-CD, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN ADDITIONAL 45-FOOT HIGH DIRECTORY SIGN ALONG THE 215 BELTWAY. THE PROPERTY IS LOCATED AT 6393 SAN MATEO STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-30-112-001.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant currently had two 45 foot tall directory signs located along Decatur Boulevard and the southern most sign did not provide the visibility to the 215 Beltway that was anticipated or expected; therefore, the applicant was requesting a third sign to be located along the 215 Beltway. Staff was in concurrence that the sign located along the southern edge of Decatur Boulevard toward 215 did not provide the visibility along 215 that may be wanted or expected; however, since other major shopping centers in the area were held to the same standard of one directory sign per arterial, Staff did not feel allowing a third sign would be appropriate. It was felt that since the southern sign along Decatur Boulevard did not provide the visibility, the sign should be moved to the location proposed along 215; therefore, Staff was recommending that SPR-02-09 be denied.

**Darrell Shock, 6630 Arroyo Springs, Suite 600, Las Vegas, NV 89113** appeared on behalf of the applicant explaining the shopping center was not owned by the developer, so the developer had no rights to the sign located on Decatur Boulevard and there were no available spaces on the sign. The property being developed would share common ingress and egress with the current center, but was not entitled to any use of the signs currently located on the property. So far, the applicant had been able to lease to one tenant in the two buildings and it was critical for them to have signage along the 215 in order to obtain tenants. The sign height and square footage would be in compliance with Code. The issue was that the sign at the corner was oriented toward the same street frontage of the proposed sign and there was common shared ingress and egress to the shopping center.

Commissioner Steve Brown asked how the proposed sign would be oriented and what the Code allowed.

Mr. Shock responded if the sign at the corner was oriented to Decatur Boulevard, they would be allowed to have a sign oriented to 215, but because there was already a sign oriented toward 215, they were required to have a waiver. The height and square footage of the sign was not an issue. If the property being developed had its own street, they would also be allowed to have a sign.

Commissioner Brown asked the height and square footage of the sign being requested.

Mr. Shock responded the sign was 45 foot with 373 square feet, but that was not of sign

area, it was the total size of the sign.

Commissioner Brown did not feel a sign that large was necessary for the two buildings being proposed.

Mr. Shock explained part of the problem, height wise, was they were trying get above their own building and much of the square footage was taken up with the style of the sign. He explained they could have less square footage on the sign, but it would not be as nice as the two existing signs.

Commissioner Brown stated he could support an auxiliary sign that was smaller than the two existing signs.

Commissioner Dean Leavitt asked the applicant how much the property dropped from 215 to the site.

Mr. Shock responded it was a significant drop be did not know how much.

Commissioner Leavitt stated he could not support a 45 foot tall sign at the proposed location, as the two buildings under construction would not require the same amount of signage square footage as the existing signs.

Commissioner Dilip Trivedi asked Mr. Shock if wall mounted signs had been considered instead of a free standing sign.

Mr. Shock responded wall mounted signs would probably be put in as they were allowed by Code.

Mr. Jordan explained 15% of the wall could be signage.

Commissioner Trivedi was not in support of the proposed sign and suggested the applicant might continue the application and redesign the sign.

Commissioner Jo Cato concurred with Commissioner Leavitt that the sign could be scaled down.

Mr. Shock requested to continue the application for two weeks to 30 days to allow him time to consult with the applicant.

**ACTION:** CONTINUED TO MARCH 25, 2009

**MOTION:** Vice-Chairman Shull

**SECOND:** Commissioner Leavitt

**AYES:** Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston,

Brown, Cato and Trivedi  
NAYS: None  
ABSTAIN: \_\_\_None

- 8. SPR-03-09 (38221) MOUNTAIN VIEW INDUSTRIAL PARK BUILDINGS 3 & 4. AN APPLICATION SUBMITTED BY TEMPLETON DEVELOPMENT CORPORATION ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW LANDSCAPE WAIVERS FROM THE INDUSTRIAL DEVELOPMENT STANDARDS. THE PROPERTY IS LOCATED AT 13975 GRAND VALLEY PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 103-15-010-001.**

Commissioner Jo Cato left Chambers at 6:55 p.m.

Commissioner Jo Cato returned to Chambers at 6:57 p.m.

The application was presented by Robert Eastman, Principal Planner who explained the property was recently annexed as part of the Apex/Kapex Development. The applicant was also requesting a large number of waivers from Title 17, The Industrial Development Standards and some waivers to Title 16. The waivers to Title 16 were a part of Item No. 9, WAV-04-09. The site plan depicted two proposed buildings, which would not normally be classified with the current Design Standards and were not in compliance; however, they were in compliance with the proposed Apex Development Standards. The buildings were metal with paint schemes to help break up the massing of the buildings. The applicant was proposing some changes to the landscaping and requesting waivers from the parking lot landscaping within the parking area and a waiver to allow a reduction of the required 20 foot landscaping and 60 percent ground cover. The City was recommending approval of the waivers, as what the applicant was proposing was in general agreement with what the City has been negotiating with the landowners in the area for the Apex/Kapex Industrial Complex; however, the actual buildings were outside of the developed portions of the City and the Fire Department had concerns regarding the proposed buildings. The Fire Department was requesting that the application be denied, or at least postponed indefinitely to allow the development agreement between the landowners and the City to be concluded to allow additional emergency services to be developed for the area. Staff was recommending that SPR-03-09 be denied. However, 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. The areas between the access roads and the buildings and/or parking areas, as depicted on the site plan, shall be landscaped with native plants or plant species that do not require irrigation for more than one (1) year. Minimum shrub size shall be five (5) gallon size, a minimum ground coverage of 30% shall be attained upon the plant species maturity and no trees are required.

3. Applicant acknowledges that: (i) its land ("Land") was annexed by City with the express understanding that no development would occur on the Land prior to adoption of a development agreement, and (ii) a development agreement has not yet been adopted, and (iii) applicant requested City to consider this application prior to adoption of a development agreement with the understanding that the following Condition of Approval would be required:

As a condition of City's approval of this application, Applicant agrees:

- a. To comply with all provisions of any subsequently adopted development agreement that would be applicable to the Land. A development agreement will be considered applicable to the Land if it is applicable to land owned by Kapex, LLC, the seller of the Land to applicant ("Development Agreement"); and
  - b. To include the Land as an exhibit to the Development Agreement; and
  - c. To execute the Development Agreement; and
  - d. It shall not be entitled to a permanent or temporary certificate of occupancy for the Land until the Development Agreement, executed by Applicant, has been recorded in the Official Records of Clark County.; and
  - e. The Development Agreement will contain a provision binding on Applicant (and subsequent transferees) that a Special Improvement District ("SID") is intended for the Land and that Applicant (and subsequent transferees) shall:
    - i. not oppose such SID; and
    - ii. not object to the SID assessment assessed to or against the Land; and
    - iii. execute any documentation City reasonably believes necessary to create the SID and make its assessments a binding obligation on the Land.
4. This development shall conform to the Conceptual Drainage Study for KAPEX.
  5. This development shall conform to the Flood Control Master Plan for the APEX/KAPEX area.
  6. Approval of a traffic study is required prior to submittal of the civil improvement plans.
  7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Grand Valley Parkway.
  8. 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.

9. 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.
10. 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.
11. 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 if they are relocated or adjusted.
12. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) shall be extended a minimum of ten (10) feet beyond the project boundary.
13. The developer is responsible for acquiring any roadway, drainage, or utility easements needed to construct the project.
14. Two means of paved access to the site will be required, unless a waiver from Title 16 is approved by the City Council.
15. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
16. Fire access lanes (width, surface, slope and turning radii) shall be designed per the Fire Code or as approved by the Fire Chief.
17. As a condition of receiving water and sewer service, the applicant shall enter into a development agreement with the City under the terms and provisions approved by the City Council.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant, giving some history on Kapex. In 1999 the Federal Government released approximately 21,000 acres of property to be used strictly for industrial use. Since that period of time, the property had been subdivided. The property was located in Clark County until the past

several months when it was annexed into the City of North Las Vegas. The area was envisioned to be the industrial hub for the Las Vegas Valley. He pointed out there was a serious issue with infrastructure and nothing could be done without water, sewer services, roads and other utilities needed for development. The applicant had been working with the City on a Development Agreement; however, they were trying to jump start some type of economic development so they would not lose out on the opportunities for economic development in the future. Currently, there were businesses operating in Kapex who had approval from Clark County and a development plan that was approved in Clark County within the last year to year and a half. The proposed development was already approved by Clark County and Mr. Gronauer submitted documentation showing approval of a 475,669 square foot distribution center/warehouse located on 22.87 acres within the Apex Industrial Park. He pointed out part of the annexation and the understanding was the entitlements on the property would carry over to the City of North Las Vegas. Part of the approval required the applicant to do a development agreement, which was already in place on the property from Clark County, which was done within the last year, prior to being annexed into the City of North Las Vegas. There was a section in the Agreement that read: "The owner agrees to convey 2.5 acres of subject property located in the project to the County for the construction of a fire station. Owner shall convey the fire station property prior to the Certificate of Occupancy for any structure that will cause a total gross square footage constructed on subject property to exceed 1.5 million square feet or by January 15, 2013, whichever is earlier." Mr. Gronauer explained that under Clark County jurisdiction, under the development agreement, they did not have to provide any other new fire services whatsoever unless they exceeded the 1.5 million square feet of industrial square footage. He pointed out the applicant was requesting 14,400 square feet of additional industrial space and explained it was easier to get a tenant for a completed building. He suggested there be a threshold placed on the need for the fire station and other public services. Mr. Gronauer questioned the last sentence on Condition No. 11, which he would agree to if they were in the heart of North Las Vegas, where utilities were located underground due to aesthetics but in a competing industrial park, the power lines were above ground and the area was kept rural and asked that the sentence be deleted. He also questioned Condition No. 3.d. He explained initially, Public Works had some language they were in agreement with but the revised Fire Department Memo had different language than originally proposed. He asked that the original language be added back into the conditions. He read a portion of the original Condition No. 3.d to be added: "Nothing in this sub-section (d) shall preclude Applicant from receiving a temporary certificate of occupancy of temporary certificates of occupancy for the Land, provided the period of time during which the Land may be used under such temporary certificate(s) of occupancy cumulatively does not exceed 180 calendar days."

Chairman Angelo Carvalho asked the Fire Department who would be bearing the cost of fire safety in Apex Industrial Development.

Mike Steele of the Fire Department responded that issue would be covered under the Development Agreement and that was why it was felt the development was premature.

Commissioner Steve Brown asked for comment from Staff regarding the amendments requested by Mr. Gronauer.

Mr. Steele explained Condition No. 3.d was amended to eliminate the allowance of a temporary certificate of occupancy, which would allow the building to be occupied and used for up to 180 days prior to the development agreement being in place. It was based primarily on comments received from Chief Gary Hames, who was the Fire Chief for Storey County Fire Department. He believed the Tahoe/Reno area was developed using a threshold; however, Fire Chief Hames felt that was a mistake and now requested emergency medical services (EMS) and fire personnel on site for any new development agreements before any earth was turned. He explained the fire department was not asking for a fully staffed, manned fire station, but some type of temporary arrangement would also be acceptable, but the terms would have to be negotiated at a higher level.

Commissioner Brown asked Staff if they were in agreement with the requested amendment to Condition No. 11.

Jennifer Doody of Public Works responded she was agreeable to deleting the second sentence in Condition No. 11.

Commissioner Brown was not comfortable with recommending approval of something before the development agreement was completed. He understood the developer's need to get the building started, but did not want to cause a future problem.

Mr. Gronauer explained their legal position had been, they were already approved and the entitlements had given them the ability to do the amount of square footage from the County. If they were still located within Clark County, there would not be a problem. They were processing building permits in Clark County and were working in concert with the City, where the building permits would be moved into the City of North Las Vegas. They were requesting one building and did not intend to come back requesting more buildings. The goal was to be done in 60 days and were asking for some cooperation and understanding.

Commissioner Brown indicated he could support a one-time approval but would not support additional projects until there was progress on the development agreement.

Commissioner Harry Shull asked the anticipated time frame for the completion of the development agreement.

Assistant City Attorney Nick Vaskov explained development agreements take time, as the issues get very complex. The area was deficient in key public infrastructure needs. They had been working on the agreement at a good pace, but felt it would be longer than 60

days.

Mr. Gronauer clarified they were requesting a temporary permit not to exceed six months, so if they were to build the buildings, they could not do anything else unless they were able to get a temporary certificate of occupancy and the Fire Department was recommending no temporary certificates of occupancy could be obtained unless the development agreement was in place.

Commissioner Shull stated he could support a one time building but would not be able to support another request without the development agreement being in place.

Commissioner Dilip Trivedi did not understand the necessity of building before the development agreement was complete and agreed with Commissioners Brown and Shull and could support a one time approval. Commissioner Trivedi suggested having a computer model which would allow a virtual walk-thru.

Mr. Gronauer explained over the past three months they had 15 potential small industrial users that would fit in the floor plans and the issue was they wanted to have the ability to build the two proposed buildings during the time the development agreement was being completed.

Commissioner Trivedi suggested the building permit be submitted and run concurrently with the approval of the development agreement. He asked if there was anything in the current application that would disagree with anything in the development agreement that was currently being discussed.

Mr. Gronauer responded the development agreement was not finalized and could change, so he could not make any representation. The design guidelines and landscaping were things that were consistent with the Industrial Overlay District, but as far as the infrastructure and the services, they still had to be worked out. The problem they were having was with Condition No. 11 and Condition No. 3.d.

Chairman Angelo Carvalho agreed with comments made by Vice-Chairman Shull and Commissioner Brown and was in support of the application.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NOS. 3.D AND 11 AMENDED TO READ:**

**3.D. IT SHALL NOT BE ENTITLED TO A PERMANENT CERTIFICATE OF  
OCCUPANCY FOR THE LAND UNTIL THE DEVELOPMENT  
AGREEMENT, EXECUTED BY APPLICANT, HAS BEEN  
RECORDED IN THE OFFICIAL RECORDS OF CLARK COUNTY;**

AND

11. 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.

MOTION: Commissioner Brown

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN:\_\_\_None

9. **WAV-04-09 (38249) MOUNTAIN VIEW INDUSTRIAL PARK BUILDINGS 3 & 4. AN APPLICATION SUBMITTED BY TEMPLETON DEVELOPMENT CORPORATION ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR A WAIVER FROM TITLE 16 IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO WAIVE THE REQUIRED OFF-SITE IMPROVEMENTS. THE PROPERTY IS LOCATED AT 13975 GRAND VALLEY PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 103-15-010-001.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting to waive the requirement for off-site improvements and to reduce the pavement width from 32 feet to 24 feet and the requirement for two means of paved access to the site. Staff was concerned the access provided to the site was through streets or private roads that were to the north of the development. The City was requesting that the existing dirt road to Grand Valley Parkway be paved to the site. The 24 foot width would be acceptable but the City was requesting that it be paved so there was a public access way easily identifiable, which would be for emergency access purposes and Public Works and Utilities. Staff was recommending that WAV-04-09 be denied; however, if the Commission determined approval was warranted, the following conditions were recommended:

1. The developer shall provide a 24-foot paved access road from the westerly property line of the site to Grand Valley Parkway as depicted on the included site plan for this application.
2. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
3. Fire access lanes shall be designed according to the Fire Code or as approved by the Fire Chief.
4. This application shall comply with Condition No. 17 of SPR-03-09.

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** appeared on behalf of the applicant asking that his comments from Item No. 8, SPR-03-09 be incorporated with this application as follows:

**Bob Gronauer of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89169** *appeared on behalf of the applicant, giving some history on Kapex. In 1999 the Federal Government released approximately 21,000 acres of property to be used strictly for industrial use. Since that period of time, the*

*property had been subdivided. The property was located in Clark County until the past several months when it was annexed into the City of North Las Vegas. The area was envisioned to be the industrial hub for the Las Vegas Valley. He pointed out there was a serious issue with infrastructure and nothing could be done without water, sewer services, roads and other utilities needed for development. The applicant had been working with the City on a Development Agreement; however, they were trying to jump start some type of economic development so they would not lose out on the opportunities for economic development in the future. Currently, there were businesses operating in Kapex who had approval from Clark County and a development plan that was approved in Clark County within the last year to year and a half. The proposed development was already approved by Clark County and Mr. Gronauer submitted documentation showing approval of a 475,669 square foot distribution center/warehouse located on 22.87 acres within the Apex Industrial Park. He pointed out part of the annexation and the understanding was the entitlements on the property would carry over to the City of North Las Vegas. Part of the approval required the applicant to do a development agreement, which was already in place on the property from Clark County, which was done within the last year, prior to being annexed into the City of North Las Vegas. There was a section in the Agreement that read: "The owner agrees to convey 2.5 acres of subject property located in the project to the County for the construction of a fire station. Owner shall convey the fire station property prior to the Certificate of Occupancy for any structure that will cause a total gross square footage constructed on subject property to exceed 1.5 million square feet or by January 15, 2013, whichever is earlier." Mr. Gronauer explained that under Clark County jurisdiction, under the development agreement, they did not have to provide any other new fire services whatsoever unless they exceeded the 1.5 million square feet of industrial square footage. He pointed out the applicant was requesting 14,400 square feet of additional industrial space and explained it was easier to get a tenant for a completed building. He suggested there be a threshold placed on the need for the fire station and other public services. Mr. Gronauer questioned the last sentence on Condition No. 11, which he would agree to if they were in the heart of North Las Vegas, where utilities were located underground due to aesthetics but in a competing industrial park, the power lines were above ground and the area was kept rural and asked that the sentence be deleted. He also questioned Condition No. 3.d. He explained initially, Public Works had some language they were in agreement with but the revised Fire Department Memo had different language than originally proposed. He asked that the original language be added back into the conditions. He read a portion of the original Condition No. 3.d to be added: "Nothing in this sub-section (d) shall preclude Applicant from receiving a temporary certificate of occupancy of temporary certificates of occupancy for the Land, provided the period of time during which the Land may be used under such temporary certificate(s) of occupancy cumulatively does not exceed 180 calendar days."*

*Chairman Angelo Carvalho asked the Fire Department who would be bearing the cost of fire safety in Apex Industrial Development.*

*Mike Steele of the Fire Department responded that issue would be covered under the Development Agreement and that was why it was felt the development was premature.*

*Commissioner Steve Brown asked for comment from Staff regarding the amendments requested by Mr. Gronauer.*

*Mr. Steele explained Condition No. 3.d was amended to eliminate the allowance of a temporary certificate of occupancy, which would allow the building to be occupied and used for up to 180 days prior to the development agreement being in place. It was based primarily on comments received from Chief Gary Hames, who was the Fire Chief for Storey County Fire Department. He believed the Tahoe/Reno area was developed using a threshold; however, Fire Chief Hames felt that was a mistake and now requested emergency medical services (EMS) and fire personnel on site for any new development agreements before any earth was turned. He explained the fire department was not asking for a fully staffed, manned fire station, but some type of temporary arrangement would also be acceptable, but the terms would have to be negotiated at a higher level.*

*Commissioner Brown asked Staff if they were in agreement with the requested amendment to Condition No. 11.*

*Jennifer Doody of Public Works responded she was agreeable to deleting the second sentence in Condition No. 11.*

*Commissioner Brown was not comfortable with recommending approval of something before the development agreement was completed. He understood the developer's need to get the building started, but did not want to cause a future problem.*

*Mr. Gronauer explained their legal position had been, they were already approved and the entitlements had given them the ability to do the amount of square footage from the County. If they were still located within Clark County, there would not be a problem. They were processing building permits in Clark County and were working in concert with the City, where the building permits would be moved into the City of North Las Vegas. They were requesting one building and did not intend to come back requesting more buildings. The goal was to be done in 60 days and were asking for some cooperation and understanding.*

*Commissioner Brown indicated he could support a one-time approval but would not support additional projects until there was progress on the development agreement.*

*Commissioner Harry Shull asked the anticipated time frame for the completion of the development agreement.*

*Assistant City Attorney Nick Vaskov explained development agreements take time, as the issues get very complex. The area was deficient in key public infrastructure needs. They*

*had been working on the agreement at a good pace, but felt it would be longer than 60 days.*

*Mr. Gronauer clarified they were requesting a temporary permit not to exceed six months, so if they were to build the buildings, they could not do anything else unless they were able to get a temporary certificate of occupancy and the Fire Department was recommending no temporary certificates of occupancy could be obtained unless the development agreement was in place.*

*Commissioner Shull stated he could support a one time building but would not be able to support another request without the development agreement being in place.*

*Commissioner Dilip Trivedi did not understand the necessity of building before the development agreement was complete and agreed with Commissioners Brown and Shull and could support a one time approval. Commissioner Trivedi suggested having a computer model, which would allow a virtual walk-thru.*

*Mr. Gronauer explained over the past three months they had 15 potential small industrial users that would fit in the floor plans and the issue was they wanted to have the ability to build the two proposed buildings during the time the development agreement was being completed.*

*Commissioner Trivedi suggested the building permit be submitted and run concurrently with the approval of the development agreement. He asked if there was anything in the current application that would disagree with anything in the development agreement that was currently being discussed.*

*Mr. Gronauer responded the development agreement was not finalized and could change, so he could not make any representation. The design guidelines and landscaping were things that were consistent with the Industrial Overlay District, but as far as the infrastructure and the services, they still had to be worked out. The problem they were having was with Condition No. 11 and Condition No. 3.d.*

*Chairman Angelo Carvalho agreed with comments made by Vice-Chairman Shull and Commissioner Brown and was in support of the application.*

*Mr. Gronauer explained the issue was with Public Works Condition No. 1, which required the applicant to provide a 24 foot paved access road from the westerly property lines of the site to Grand Valley Parkway. He believed they were providing two means of access because when you came down the main thoroughfare, you could either go straight to the property or you could come from another direction, which meant there were two means of access. He stated there were existing businesses who were not required to provide any*

new access roads. There was one main road from US 93 into the development and asked to waive the requirement to add an additional road to the site.

Commissioner Steve Brown asked if the roads currently going to the property were paved.

Mr. Gronauer responded they were.

Commissioner Brown asked if a third paved road was being required.

Mr. Gronauer responded it would be another paved road to the property and he believed the idea was because there was a road currently under construction, there would be another access road to the property from that road.

Jennifer Doody of Public Works explained the paved access and the two paved access roads were not the issue. They wanted to be sure the roads being used were paved, which the applicant was indicating they were.

Mr. Gronauer stated there were paved roads to the property.

Ms. Doody also said there were roads that crossed multiple property lines at some point and were private roads, so there were no easements or right-of-way and at any time someone could build a fence and parcel the property off, which could be done with a tentative map.

Mr. Gronauer understood that, as they owned all of the property, so an easement agreement or some type of legal instrument to show the roads, if they were blocked or removed, they would have to provide additional access to the property.

Ms. Doody explained the original memo had a requirement for two means of access, because that was what was normally required by the Fire Department. The Fire Department had done a field visit and determined there was adequate access, which left the question of easements for those roadways and if they were paved. If both of those requirements are taken care of, then Public Works concerns would be met.

Mr. Gronauer asked for a condition to be added indicating if there was not a paved access, one would have to be added.

Mr. Eastman indicated Condition No. 1 would be amended to read: "The developer shall provide a 24-foot paved access road with public roadway easement from the property to Grand Valley Parkway."

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 1 AMENDED TO READ:**

1. THE DEVELOPER SHALL PROVIDE A 24-FOOT PAVED ACCESS ROAD WITH PUBLIC ROADWAY EASEMENT FROM THE PROPERTY TO GRAND VALLEY PARKWAY.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

**Public Forum was heard next.**

**OLD BUSINESS**

10. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue AMP-08-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN:\_\_\_None

11. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue VAC-07-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN:\_\_\_None

12. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue AMP-07-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: \_\_\_None

13. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue ZN-20-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: \_\_\_None

14. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue GED-03-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN:\_\_\_None

15. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008)**

It was requested by the applicant to continue UN-64-08 to June 24, 2009.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JUNE 24, 2009

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Shull

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

NAYS: None

ABSTAIN: \_\_\_None

**Item No. 1 was heard next.**

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

Nick Vaskov, Assistant City Attorney recommended a book to the Commission titled The Zoning of America which outlines the rise of modern zoning controls in America and outlines a famous case called "Euclid" which was the first Supreme Court case that upheld zoning controls. The book also gave a good background on zoning and the fundamentals of the law of zoning and how it developed.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 7:52.

APPROVED: April 8, 2009

/s/ Angelo Carvalho  
Angelo Carvalho, Chairman

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