

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

March 12, 2008

*All Staff Reports and attachments are available on the City's
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)*

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
Naveen Potti, Planner
Nick Vaskov, Deputy City Attorney II
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Carolyn Keller, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Chairman Steve Brown

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF FEBRUARY 13, 2008**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

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

NAYS: None

ABSTAIN: Commissioner Shull

Item No. 10 was heard next.

Commissioner Ned Thomas entered Chambers at 6:03 p.m.

NEW BUSINESS

1. **VN-06-08 (34204) ELDORADO RCL NO. 23 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A VARIANCE IN AN O-L/DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT TO ALLOW A REDUCTION OF THE 15-FOOT REAR YARD SETBACK TO TEN (10) FEET WITHIN A PROPOSED 145-LOT SUBDIVISION. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 575 FEET EAST OF ROARING SURF DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-501-011.**

The application was presented by Marc Jordan, Planning Manager who explained the request was for a variance that would allow 71 lots of a proposed 145 lot single-family residential development to have a reduction in the rear yard setbacks. The applicant was proposing a range from 10 foot to 13 foot setbacks where 15 feet was required. Staff was not supporting the variance, primarily because it was self-imposed and the lots do not currently exist. The applicant was designing the subdivision knowing they had not asked for a reduction in the setbacks for the rear yards. There are other RCL developments within Eldorado that had been developed and completed under the same provisions that demonstrate compliance with the setbacks, with lots the same size but with different shapes, because they were designed properly. Also, the applicant indicated they were bringing in a unique product, but it was basically an RCL compact lot development, which had been in existence at least since 1988 with the adoption of the ordinance they were required to follow; therefore, it was not unique and had already been done within the City. Staff did not feel there was a hardship and was recommending that VN-06-08 be denied. Should the Commission determine approval was warranted, the following conditions are 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 all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. A minimum 10 foot rear yard building setback shall be provided within the residential lots.

4. FHA Type A drainage must be maintained for each lot.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant explaining the property had a combination zoning of R-3, RCL, and C-2. The applicant was requesting a single-family home subdivision to build an RCL product, which put the density at 8.74 units per acre, but could have a density of 25 units per acre under the current Development Agreement zoning categories. She stated out of the 71 lots they were requesting a variance on, 45 of them had 10 foot rear yard setbacks, 5 had 11 foot, 12 had 12 foot, and 8 had 13 foot rear yard setbacks and everything else had 15 foot setbacks and there were no variances requested adjacent to single family homes. A number of the lots that would have a reduced rear yard setback, which they consider to be minimal, back up to either other lots with a 15 foot rear yard setback, which means they would not be extra close to each other. The east side of the project was undeveloped, so they were not currently impacting anyone. The odd shape of the lot made it difficult to develop. The development was single family with 1230 to 1875 square foot homes and was anticipated to be a good product for the market, because it would be priced at under \$200,000.

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

- **Richard Cherchio, 417 Horse Point Avenue, North Las Vegas, NV** explained Pardee Homes was proposing to put in 1500 apartments in the area of Revere Street and Centennial Parkway and the Eldorado Community had been meeting with Pardee Homes on that issue. He agreed with comments made by Mr. Jordan, and was not happy with the constant requests for changes and variances as opposed to the Visioning 2025. They were trying to work with Pardee on the apartment issue, but, in this area, they were requesting a variance from what was originally agreed to. He felt the quality of life of the residents should be considered first and he asked that the application be denied.

Chairman Brown closed the Public Hearing.

Commissioner Jo Cato clarified with Ms. Lazovich if the application were not approved, the developer would be considering putting apartments on the lot. Ms. Lazovich responded that was correct.

Commissioner Jay Aston understood the concerns regarding having a variance to reduce rear yard setbacks. He asked Ms. Lazovich how many lots would be lost if the site was redesigned. Ms. Lazovich responded they would lose nine or ten lots. Commissioner Aston indicated if that many lots were lost, it would not be economically feasible to build detached single-family homes. Ms. Lazovich responded that was correct. Commissioner

Aston explained he would rather see single-family residential homes than apartments on the proposed site.

Commissioner Ned Thomas thought a variance was special consideration from the City for special conditions, such as the shape of the lot; but, in addition to that he felt there should be some benefit to the City or to the residents of the area. He understood there was a benefit to the developer in the form of nine or ten extra lots, and asked what benefit was derived to the City and/or residents if the application was approved. Ms. Lazovich responded the advantage was that there would be single family homes, when the densities that the applicant could come in with, go up to 25 units to the acre and they were currently looking at eight units per acre. The proposed project was less intense than what could go on the site. Commissioner Thomas asked what would be put on the remaining parcel to the east. Ms. Lazovich did not know, but said there was some discussion at one point to possibly put a townhome product on the site, but there was not currently a plan.

Chairman Steve Brown felt it was a benefit to the community that Pardee was developing single-family homes instead of apartments and was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Cato

AYES: Chairman Brown, Commissioners Leavitt, Aston, Shull, and Cato

NAYS: Vice-Chairman Trivedi and Commissioner Thomas

ABSTAIN: None

2. **T-1315 (34200) ELDORADO RCL NO. 23. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN O-L/DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT CONSISTING OF 145 SINGLE-FAMILY DWELLINGS. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 575 FEET EAST OF ROARING SURF DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-33-501-011.**

The application was presented by Marc Jordan, Planning Manager who explained Staff had originally recommended that the application be continued, as they were not supporting the variance application; however, with the approval of the variance, Staff had no objection to the application moving forward. The applicant was proposing streets within the subdivision that the applicant indicated would be private streets that would be 44 ½ feet in width and some of the streets would also be approximately 24 feet in width. The applicant met with Public Works, who accepted the street widths. Staff was recommending that T-1315 be approved subject to the conditions listed in the Staff report with Condition Nos. 5, 6, 10, and 12 deleted; Condition No. 7 amended to read: "Approval of a drainage study is required concurrent with submittal of the Civil Improvement Plans;" Condition No. 18 amended to read: "All off-site improvements must be substantially completed prior to final inspection of the first occupied building." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.
3. A minimum 10 foot rear yard building setback shall be provided within the residential lots per the approved conditions of VN-06-08. Should VN-06-08 not be approved then this condition shall be null and void.
4. A decorative wall shall be provided along the property line and or perimeter of the site where wall is exposed to the public rights-of-way.
5. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
6. Entry on Ann Road is limited to right in/right out.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.

8. 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.
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. Side lot easements must conform to Title 17 pedestrian access and landscaping requirements.
11. Ann Road is a no cut street.
12. Northern half street improvements on Hammer Lane for APN 124-33-696-004 must be constructed with the site.
13. The remaining area north of Hammer Lane and outside of the proposed driveway entrance within APN 124-33-696-004 must be landscaped and maintained by the developer.
14. 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.
15. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
16. 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.
17. 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.
18. All off-site improvements must be completed prior to final inspection of the first building.
19. Fire access lanes less than 40' in width of driveable surface shall be marked per the fire code to restrict parking on one / both side(s).
20. Fire access shall be designed per the fire code.

21. The emergency access from Newman Ave. To George Costanza Ave. shall be paved and meet the fire code requirements for fire access lanes including turn radii.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating she agreed with the amended conditions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 5, 6, 10, AND 12 AND CONDITION NOS. 7 AND 18 AMENDED TO READ:

7. APPROVAL OF A DRAINAGE STUDY IS REQUIRED CONCURRENT WITH SUBMITTAL OF THE CIVIL IMPROVEMENT PLANS.
18. ALL OFF-SITE IMPROVEMENTS MUST BE SUBSTANTIALLY COMPLETED PRIOR TO FINAL INSPECTION OF THE FIRST OCCUPIED BUILDING.

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

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

NAYS: Commissioner Thomas

ABSTAIN: None

3. **UN-20-08 (34197) GARAGE CONVERSION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ELIEL LOPEZ, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A GARAGE CONVERSION. THE PROPERTY IS LOCATED AT 3609 BROADWAY AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-13-811-227.**

The application was presented by Marc Jordan, Planning Manager who explained the existing building was constructed in 1964 and was approximately 1,000 square feet and according to the applicant, the garage was already converted; however, it was converted prior to their purchasing the home. In 2005, the Building Department cited the original property owner for the construction of the garage without a building permit. When the applicant purchased the property, that was not disclosed to them; so, they are requesting a use permit to make the conversion legal. The applicant has given Staff proof that there have been three other garage conversions that were legally converted within 300 feet, which is one of the requirements in the zoning ordinance. Staff has no objection and was recommending that UN-20-08 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, ordinances and the Single-Family Design Guidelines
2. A parking area sufficient for two vehicle off-street parking spaces with the minimum dimensions of 18 feet in width by 20 feet in length must be provided.
3. Building permits shall be obtained and all fees shall be paid.

Dolce Luna appeared along with Eliel Lopez, 3609 Broadway Avenue, North Las Vegas, NV. Ms. Luna indicated Mr. Lopez did not know the garage conversion was not legal when he purchased the home and was trying to obtain a permit to make it legal. Mr. Lopez indicated through Ms. Luna that he concurred with Staff recommended conditions.

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

Chairman Brown closed the Public Hearing.

Commissioner Jay Aston asked the applicant if he understood there must be an area 18 by 20 foot for parking, so some concrete may have to be added to accomplish that. Ms. Luna responded Mr. Lopez understood.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

4. **ZN-09-08 (34025) HICKEY DEVELOPMENT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHRIS HICKEY AND GLEN HICKEY, ON BEHALF OF HICKEY FAMILY TRUST, CHRIS HICKEY AND SHAUN TRUST, CHRIS HICKEY AND GLEN HICKEY, PROPERTY OWNERS, FOR A RECLASSIFICATION OF PROPERTY FROM AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT 3811-3842 DEVELOPMENT COURT. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-316-001, 140-06-316-002, 140-06-316-003, 140-06-316-004, 140-06-316-005, 140-06-316-006, 140-06-316-007 AND 140-06-316-008.**

The application was presented by Naveen Potti, Planner who explained six of the eight parcels are undeveloped and two of them have office and warehouse buildings. The applicant's intent was to propose a similar type of use. Staff felt heavy industrial land use was consistent with the Comprehensive Plan and was recommending that ZN-09-08 be approved.

Ron Labar, Labar Architecture, 458 West 15th Avenue, Spokane Washington 99203 appeared on behalf of the applicant. He explained the reason for the rezoning request was that the applicant owned the four acres, which are eight half acre parcels and the intent was to mirror the buildings that were currently on the site. With the current M-1 zoning, they would have 15 foot side yard setbacks, which would push two parcels 30 foot apart, which would make it unusable making it necessary to request a variance. The applicant's intent was to build the same building on all four sites and changing the zoning to M-2 would allow a zero side yard setback and create more flexibility.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

5. UN-16-08 (34139) CHEYENNE WEST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY METROPOLITAN AUCTION COMPANY ON BEHALF OF NIGHT OAK, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUCTION HOUSE. THE PROPERTY IS LOCATED AT 2580 WEST BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-019.

The application was presented by Naveen Potti, Planner who explained there would be 21 parking spaces and in the Corporate Center there are similar uses, that were approved by the Planning Commission, such as indoor batting cages, gymnastics, indoor recreational facilities, and an auto repair facility. Staff recommends that the proposed use be operated only on Saturdays, as it would not generate much traffic and were proposing the maximum occupancy be limited to 84 people. Staff was recommending that UN-16-08 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; and
2. That UN-16-08 is site-specific and non-transferable; and
3. That all associated activities take place within the building; and
4. That the maximum occupancy of the building shall not exceed 84 people, unless the applicant demonstrates in writing that parking can be accommodated based on one parking space for every four occupants. The applicant shall provide evidence of on-site parking compliance prior to the issuance of a certificate of occupancy.
5. Plans, including a complete code analysis, shall be submitted to the Permit Application Center. The plans shall show compliance with the adopted building and fire codes regarding the proposed change of occupancy. Any modifications required to gain compliance with adopted codes and standards shall be completed to the satisfaction of the City. The suite shall not be occupied until such time the City approves the change of occupancy.
6. The applicant must abide by all conditions of the approved traffic study.

Randy and Penny Tindall, Metropolitan Auction Company, 2580 West Brooks, Suite 110, Las Vegas, NV 89032. Mr. Tindall explained there were 21 parking stalls around their building and they planned to have more than 84 people at every auction, so they needed more than an 84 person occupancy. He believed there was ample parking around their

building and since they were operating only on the weekend, it should not conflict with any other business in the development, as they are opened Monday through Friday. Other than the occupancy, he agreed with Staff recommendation.

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

- **Frank Merchant, 7980 Grado El Tupelo, Carlsbad, CA 92009** indicated he was the owner of the building and there was previously an auction house in the office park. He felt this use was a good fit for the high-end nature of the facility.

Chairman Brown closed the Public Hearing.

Chairman Steve Brown clarified with Staff that the use would not interfere with other uses as it was a weekend operation but there were several uses that had been approved, that it seemed would be used on the weekend.

Mr. Eastman explained that was correct, and that was why Staff was restricting the number of occupants. At the center, there have been a number of use permits approved for uses that are not typical Monday through Friday operations and that is why Staff feels, even though the auction house was appropriate for the location, it was also bringing in additional demands on parking on the weekend, which may be when there was greater demand for the center than was typical; but, with this facility, Staff feels the weekend traffic was greater.

Commissioner Jo Cato explained she parked in the parking lot for approximately one hour and the traffic was sparse. She understood the traffic issue but was in support of the application.

Commissioner Dilip Trivedi asked if time restrictions or days of use were being put on the application. Staff responded it was not a condition.

Mr. Tindall understood Staff's concern, but the batting cage was not close to the proposed use. Mrs. Tindall explained the units were at different elevations and the gymnastics and batting cage business were located at a higher elevation and would not use the same parking. She stated they had spoken with other businesses and they were excited about the auction coming in.

Chairman Brown asked the applicant to show where the parking was for the building. Mr. Tindall explained there was parking all around the building. Chairman Brown asked the applicants if they agreed to Condition No. 4. Mr. and Mrs. Tindall responded they were not in agreement with Condition No. 4. Chairman Brown asked how many people they projected to have at their auction. Mr. Tindall responded they expected approximately 200 people. Mrs. Tindall explained people would be coming and going and would not all be there at the same time.

Mr. Tindall explained he had talked to Clete Kus of Public Works and felt the recommendation was based on an assumption that there were 21 spaces and 4 persons per car.

Mr. Eastman explained Condition No. 4 required that the applicant needed to demonstrate he had adequate parking on the site and if the applicant showed he had adequate parking for more people, the occupancy could be increased. Staff was not trying to limit the occupancy to 84 people, they were trying to get evidence to show that adequate parking was available for the auction house.

Chairman Brown explained to the applicant they would need to bring in documentation showing there was adequate parking for the 200 people they anticipate having at the auctions.

Commissioner Ned Thomas had been through the complex numerous times and noticed there was plenty of parking available and could support the application. He noticed there were a couple of undeveloped parcels kitty-corner from the site to the south along Brooks Avenue and did not know if a condition was needed to prevent people from parking in those areas.

Mr. and Mrs. Tindall explained you could not park in that area, as there were road repairs being done.

Marc Jordan, Planning Manager showed an overhead of the area, which showed the property lines in the development and explained if there would be 200 people at their facility, 50 parking spaces were necessary and the site their business was on did not have 50 spaces, so they would have to look at parking off site. Staff would be looking at whether those spaces were utilized at that time and whether there was reciprocal parking within the area that could be granted to the applicant. Staff could not grant an applicant the use of someone else's parking; the applicant would need to demonstrate they had approval to Staff. As indicated by Mr. Eastman, the condition allowed the applicant to have more people, but the applicant would have to demonstrate they had the parking available to them. Planning and Traffic Staff would review what was submitted and as long as the parking could be demonstrated and occupancy standards set by the Fire Department were not exceeded, Staff would not object to the applicant having more people.

Commissioner Dilip Trivedi stated it would help for the applicant to bring in a list of the other uses operating during the weekend and how many parking spaces those uses would need.

Commissioner Dean Leavitt suggested the applicant talk to the businesses that were excited about the auction and get permission to use their parking spaces.

Mr. Tindall asked Mike Steele of the Fire Department to explain Condition No. 5.

Mr. Steele explained the code analysis would have been done at the time the building was built; however, that analysis was not intended for assembly occupancies per the building Code and assembly occupancies have more strict life safety requirements as far as egress, fire protection systems and the applicant may or may not comply; so, that would have to be demonstrated. Mr. Tindall asked if they would have to schedule an inspection with the Fire Department. Mr. Steele responded that would be done before inspections. The analysis would have to be reviewed by the Fire Department, Building Department and Planning and Zoning Department to determine they met current Code for the proposed use.

Chairman Brown explained to the applicant that they might need to make changes because the building was zoned Industrial and they were using it for a Commercial use.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Shull

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

NAYS: None

ABSTAIN: None

6. **VN-05-08 (34198) HUGHES NETWORK SYSTEMS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HUGHES NETWORK SYSTEMS ON BEHALF OF LEVEL 3 COMMUNICATIONS LLC, PROPERTY OWNER, FOR A VARIANCE IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 38-FOOT HIGH SCREEN WALL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LOSEE ROAD AND AEROJET WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-02-703-007.**

The application was presented by Naveen Potti, Planner who explained the proposed block wall would be 38 foot high with an architectural design theme and a color pattern to provide a better visual appearance than a normal block wall. The applicant also proposed to add additional landscaping in front of the wall on Losee Road and O'Neal Road to reduce the visual impact of the 38 foot wall. Staff was recommending that VN-05-08 be approved subject to the following conditions:

1. That, unless expressly authorized through the variance, waiver or another method, this development shall comply with all applicable codes and ordinances; and
2. Any existing fire hydrants or fire department connections that have their required access obstructed must be relocated to the satisfaction of the Fire Department.
3. A twenty (20) foot wide perimeter landscape area is required along the portion of the proposed block wall on Losee Road and a ten (10) foot wide landscape area along the portion of the proposed block wall on O'Neill Road. The proposed landscape area must include 36" box Mediterranean Palm trees spaced every fifteen (15) feet on center along Losee Road and O'Neill Road. In addition, the landscape areas shall achieve a minimum of 60% ground coverage within two (2) years from the time a final inspection is issued for the walls.

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating she concurred with Staff recommendation and showed a simulated picture of what the wall would look like. She noted for the record that the applicant was agreeing to put in landscaping on Losee Road and O'Neill Street. The only area they would not be able to install landscaping was where an existing utility box was located, which Staff was aware of and would not pose a problem.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

7. VAC-02-08 (34201) CASHMAN RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CASHMAN EQUIPMENT ON BEHALF OF JR TL LTD, PROPERTY OWNER, TO VACATE A PORTION OF DONOVAN WAY COMMENCING AT CRAIG ROAD AND PROCEEDING SOUTH APPROXIMATELY 1,650 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-702-004 AND 139-01-304-002.

The application was presented by Naveen Potti, Planner who explained the vacation would facilitate realigning Donovan Way and add additional property to the existing property. Staff was recommending that VAC-02-08 be approved with Condition No. 4 amended to read: "The developer shall not place any structure within thirty (30) feet of the existing water main prior to the water main being abandoned and relocated, or otherwise approved by the Director of Utilities." The original recommended conditions are as follows:

1. A public utility easement shall be reserved over the entire area to be vacated.
2. Order of vacation may not record until the City of North Las Vegas has accepted the re-aligned Donovan Way for maintenance.
3. Should the Order of vacation not record within two (2) years of the approval date, the vacation shall be null and void.
4. The developer shall not place any structure within thirty (30) feet of the existing water main.
5. The vacation shall record concurrent with the dedication of Donovan Way and the public utility easement as identified in Condition No. 1.

Stacey Medina, Per4mance Consulting & Engineering, 1170 Center Point Drive, Henderson, NV 89074 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 4 AMENDED TO READ:

4. THE DEVELOPER SHALL NOT PLACE ANY STRUCTURE WITHIN THIRTY (30) FEET OF THE EXISTING WATER MAIN PRIOR TO THE WATER MAIN BEING ABANDONED AND RELOCATED, OR OTHERWISE APPROVED BY THE DIRECTOR OF UTILITIES.

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

8. SPR-04-08 (33953) ROBLES APARTMENTS. AN APPLICATION SUBMITTED BY ADAM CASTILLO ON BEHALF OF J. GUADALUPE ROBLES, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW WAIVERS FROM THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS FOR A PROPOSED FOUR-PLEX. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ELLIS STREET APPROXIMATELY 280 FEET SOUTH OF JUDSON AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-24-210-203.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to develop the site with a two story multi-family building consisting of four units. With the site plan, the applicant was requesting four waiver requests. The first waiver was to allow a reduction in the buffer landscaping from 20 feet to as little as five feet on the north and south property lines and 15 feet along the west property line. The second was to allow the multi-family development to be served by a local street rather than an arterial or collector street. The third waiver was to allow a reduction in the required open space from 1600 square feet to 1,577 square feet and the last waiver was to allow a multi-family structure greater than one story, or 20 feet in height, to be constructed within 50 foot of an existing single-family residential property line. As stated in the Staff Report, the open space requirement has been met, when you include the additional open space granted through the use of their overhead balconies located in the development; therefore, the waiver was not needed. The other three waivers are being supported, since the parcel was in-fill and was surrounded by other existing single-family homes; however the zoning does support the multi-family building. Staff felt since the development was in-fill, the waivers were necessary and needed for the development and was supporting them. Staff was recommending that SPR-04-08 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 development meet the Multi-Family Development Standards with the following exceptions:
 - a. The twenty (20) foot buffer yards will not be required along the western, southern or northern property lines, as depicted on the submitted site plan [17.24.195(C)(3)].
 - b. The new two-story structure is not required to be a minimum 50 feet from adjacent single-family residential property lines [17.24.195(C)(2)].
 - c. The proposed four-plex may be served by a local 60-foot street (Ellis Street) [17.24.195(B)(9)(b)].

3. The exterior design of the building, as shown on the submitted elevations, shall be enhanced to include a pop-out around the door serving the laundry room.
4. The landscape plans are considered conceptual and are not binding.
5. The open space area located adjacent to the northern property line and west of the trash enclosure shall be increased by 23 more square feet to identify a minimum 1,520 square feet. (When combined with the allotted 40 square feet per upstairs balcony, the minimum 1,600 square feet shall be provided.)
6. The carports and trash enclosure, including the roof, shall be constructed using materials matching the four-plex.
7. A carport is required over the ADA-accessible parking stall.
8. A berm or decorative wall, measuring three feet in height above the finished grade of the parking stalls, is required between the parking stalls and Ellis Street, and must be identified on the construction documents.
9. The development of this site shall substantially comply with the submitted site plan, including but not limited to, the identified building setbacks.
10. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
11. All offsite improvements must be completed prior to final inspection of the first building.
12. Due to the size of the site, this development may be eligible for a drainage study waiver. Please fill out and submit waiver application to Public Works, Development & Flood Control Division (Mark Escobedo 633-1912 or Kent Chang 633-2771). Applications may be found on the City of North Las Vegas Website (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)
13. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code*, and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.

14. The property owner is required to grant a roadway easement for commercial driveway(s).
15. The property owner is required to sign a restrictive covenant for utilities.
16. 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.
17. Trash enclosure gates shall be hung approximately 8" from the ground.

Adam Castillo, 1202 Fall Breeze Drive, Las Vegas, NV 89142 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Ned Thomas liked the site plan and thought it could be used as a template for that type of in-fill development and complimented the applicant on the project.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Thomas

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

9. **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 AND FEBRUARY 27, 2008)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting to amend the zoning to allow some changes in land use law that the PUD allowed, but would not typically be allowed with traditional zoning. The applicant was requesting a change to allow an increase in flexibility to make their education facility easier to operate and to provide more educational opportunities for their clients. They are adding training facilities for a service bar in conjunction with the cooking school, wait staff school for hotel/restaurant training and they also have some ancillary or accessory uses that include on-site child care facility for their educators and students, who would use the facility. The applicant requested quite a large number of uses in the original letter of intent. For the most part, some of them were appropriate, but many were not; however, after discussions with the applicant and the applicant's representative, the focus was narrowed down and Staff was recommending approval of ZN-04-08 with Condition No. 5.e amended to read: "The Child care facility and/or child care center, as long as the portion of the building intended for child care is separated from the culinary and alcohol operations, and the child care operation shall have its own primary ingress/egress doors to the outside and that the child care facility only be utilized by staff and/or students that are working or taking classes within the facility and that the child care facility be licensed by the State of Nevada;" Condition No. 5.k added to read: "Youth programming, including youth education, social services, youth vocational training, primary and secondary education, as long as these uses are separated from the culinary and alcohol operations and have their own primary ingress/egress doors to the outside;" and Condition No. 6 added to read: "The uses permitted within this development, unless specified herein, must be accessory to the educational facility and subject to a special use permit, unless otherwise determined by the Director of Planning and Zoning;" and Condition No. 7 added to read: "A sewer analysis shall be submitted for review and approval of the Director of Utilities."

Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, NV 89109 appeared on behalf of the applicant indicating she concurred with Staff recommendation. She explained Staff suggested a

solution which would use broad categories to encompass everything Nevada Partners did. It was important to note that the day care was only available for use by students or staff and not open to the public. There was also a condition that gave Nevada Partners some flexibility with respect to the unique uses that may come up in the future, that they would like the opportunity to discuss with the Planning Staff on how to get the use approved, whether it was a use permit or if it could be permitted because it was an accessory use to what was already being done. Ms. Lazovich explained they held a neighborhood meeting and received positive feedback. She explained, for the record, that there was a vacant parcel to the east of the school and she was asked if a church could locate on that property, since there might be some on-sale alcohol use at the training facility and the answer was yes, because those types of uses could come close to alcohol uses, but the alcohol uses could not come close to a church.

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

- **Dr. Percell Church, Jr., 2108 North Revere (Zion Church), North Las Vegas, NV 89030** filled out a card in opposition, but did not come forward.
- **Pamela Egan, 710 West Lake Mead Boulevard, North Las Vegas, NV 89030** explained that Mana and Yolanda were currently participating in the guest room attendant training at Nevada Partners Culinary Training Academy and were not quite finished, but the Flamingo was visiting the school and noticed their work and hired them.
- **Mana Bakaxow, 1157 Toni Avenue, #18, Las Vegas, NV 89119** was in support of the application.
- **Yolanda Gonzalez Marquez, 5225 East Charleston Boulevard #1029, Las Vegas, NV 89142** was in support of the application.
- **Lizette Guillen, 1339 Fields Street, Las Vegas, NV 89142** stated she worked in the Employee Relations Department at the Culinary Academy and was able to schedule the interviews for the students. They had the Flamingo Hotel at the event center, which had the capacity to be able to place their students.

Chairman Brown closed the Public Hearing.

Commissioner Jo Cato was in favor of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 5.e AMENDED AND CONDITION NOS. 5.K, 6 AND 7 ADDED TO READ:

- 5.E. CHILD CARE FACILITY AND/OR CHILD CARE CENTER, AS LONG AS THE PORTION OF THE BUILDING INTENDED FOR CHILD CARE IS SEPARATED FROM THE CULINARY AND ALCOHOL OPERATIONS, AND THE CHILD CARE OPERATION SHALL HAVE ITS OWN PRIMARY INGRESS/EGRESS DOORS TO THE OUTSIDE; AND THAT THE CHILD CARE FACILITY ONLY BE UTILIZED BY STAFF AND/OR STUDENTS THAT ARE WORKING OR TAKING CLASSES WITHIN THE FACILITY AND THAT THE CHILD CARE FACILITY BE LICENSED BY THE STATE OF NEVADA.
- 5.K. YOUTH PROGRAMMING, INCLUDING YOUTH EDUCATION, SOCIAL SERVICES, YOUTH VOCATIONAL TRAINING, PRIMARY AND SECONDARY EDUCATION, AS LONG AS THESE USES ARE SEPARATED FROM THE CULINARY AND ALCOHOL OPERATIONS AND HAVE THEIR OWN PRIMARY INGRESS/EGRESS DOORS TO THE OUTSIDE.
6. THE USES PERMITTED WITHIN THIS DEVELOPMENT, UNLESS SPECIFIED HEREIN, MUST BE ACCESSORY TO THE EDUCATIONAL FACILITY AND SUBJECT TO A SPECIAL USE PERMIT, UNLESS OTHERWISE DETERMINED BY THE DIRECTOR OF PLANNING AND ZONING.
7. A SEWER ANALYSIS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL OF THE DIRECTOR OF UTILITIES.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

The Public Forum was heard next.

10. **UN-97-07 (32218) AAA DISCOUNT STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BENJAMIN DONEL ON BEHALF OF DONEL DEVELOPMENT LLC, PROPERTY OWNER, FOR A USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 2647 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-13-302-005 AND 139-13-301-002. (CONTINUED SEPTEMBER 26 AND DECEMBER 12, 2007)**

It was requested by the applicant to continue UN-97-07 to March 26, 2008.

ACTION: CONTINUED TO MARCH 26, 2008

MOTION: Commissioner Shull

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

Richard Cherchio, 417 Horse Point Avenue, North Las Vegas, NV spoke regarding his frustration on the applications being approved in the Eldorado subdivision and was not happy with the approval of apartment complexes.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Commissioner Ned Thomas gave the Commissioners a graphic representation of a pedestrian friendly, walkable community, showing some of the principles talked about on North 5th Street and some of the other areas of the City.

ADJOURNMENT

The meeting adjourned at 7:08 p.m.

APPROVED: April 9, 2008

/s/ Steve Brown
Steve Brown, Chairman

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